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FIRST MINISTERS' CONFERENCE
ON ABORIGINAL CONSTITUTIONAL MATTERS

CONFÉRENCE DES PREMIERS MINISTRES
SUR LES QUESTIONS CONSTITUTIONNELLES
INTERESSANT LES AUTOCHTONES

VERBATIM TRANSCRIPT

(unrevised)

COMPTE RENDU TEXTUEL

(non révisé)



Ottawa
March 26-27, 1987

Ottawa
Les 26 et 27 mars 1987

Canadian Intergovernmental Conference Secretariat • Secrétariat des conférences intergouvernementales canadiennes

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Prepared by the

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FIRST MINISTERS' CONFERENCE
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CONFÉRENCE DES PREMIERS MINISTRES
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VERBATIM TRANSCRIPT

(unrevised)

Morning Session of
March 26, 1987

COMPTE RENDU TEXTUEL

(non révisé)

Séance du matin du
26 mars 1987

--- 9:10 A.M. / 9:10 A.M.

THE RIGHT HONOURABLE MARTIN BRIAN
MULRONEY (PRIME MINISTER AND CHAIRPERSON): Good morning,
ladies and gentlemen. I am very pleased to call this
conference officially to order.

Mesdames et messieurs, bonjour. C'est
avec grand plaisir que je déclare ouverte la présente
conférence.

--- OPENING PRAYER / PRIERE D'OUVERTURE

--- OPENING CEREMONY / CEREMONIE D'OUVERTURE

THE CHAIRPERSON: May I now invite Claire
Riddell of the Métis National Council to please lead us
in an opening prayer.

CLAIRE RIDDELL (METIS NATIONAL COUNCIL): We
give thanks today to those who have had the compassion
and foresight to recognize the need for meaningful changes
in our relationship with our fellow countrymen and for the
courage and wisdom that has enabled us to come together
today and seek a new meaningful covenant.

We give thanks to past Métis leaders who,
despite formidable obstacles, had the strength and faith
to build upon the foundations of our historic nation.

Also, especially, we give thanks to the
Métis patriarch, Louis Riel, whose vision has inspired
our nation and given us the determination to secure a
place in Canadian society.

Our Father, we thank you for the breadth
and bountifulness of our country, which you have provided

to such a small number of your flock, but mindful of our landless existence within it.

Grant us the grace to set in place a remedy for this injustice, not according to what history has given to one and withheld from another, but according to the greatness of Your will, so that we may finally arise and determine the course of our destiny.

We thank you, Oh Lord, for the work of His Holiness, Pope John Paul II, who has inspired the world with his vision of aboriginal peoples taking our rightful place among the peoples of the earth with a just and equitable degree of self-government and an adequate land and resource base necessary for the development of a viable economy.

We pray, Oh Lord, for your strength to guide us on the remaining part of this long journey so we may all walk together to a peaceful and everlasting justice. Grant us strength if we should falter on this high road to justice and enlighten our minds so that we may shed the weight of the sorry confusion of this world and take our rightful place in the brotherhood of man.

We would like at this time to present our Honourable Prime Minister with a gift. It is a symbol of our Métis Nation, a sash.

--- PRESENTATION OF GIFT / REMISE D'UN CADEAU

THE CHAIRPERSON: You will notice that I now have something to match Premier Peterson's tie.

Premier Peterson, Premier Ghiz and Premier Vander Zalm, I welcome you to this table on behalf of the rest of us old-timers, as well as Government Leaders Penniket and Sibbeston. It is a pleasure to have you with us today.

We have some important business to conduct and a lot of people to hear from. We had meetings last night that have at least oriented our schedules. It was agreed that there would be opening statements and that I would begin, to be followed by the aboriginal leaders and then the various Premiers.

As you know, this is the final First Ministers' Conference on Aboriginal Constitutional Matters, mandated by Section 37(1) of the Constitution. Four years ago, First Ministers and representatives of the territorial governments and four aboriginal organizations reached agreement on the first amendment to our Constitution since its patriation the previous year. Through that 1983 Accord, the First Ministers committed their governments to the process of aboriginal constitutional negotiations which has brought us together today.

In 1984, although no agreement was reached, the positions of all parties were clarified. I need not remind you that in 1985, around this very table, we came within sight of an agreement. Since then we have had a thorough discussion on the pivotal issue of the right of aboriginal peoples to self-government. We should not, in

good conscience, let this opportunity elude us now.

Really, colleagues, what we will be discussing over the next two days is greater autonomy for the aboriginal peoples of Canada. All would agree, I think, that self-government is a worthy objective. But we should not allow mere words or concepts to mask what is really at stake around this table today and in towns, cities and villages across Canada. What we are really seeking to do is to make self-government a practical reality for Canada's aboriginal peoples. Over time this concept, this decision, that hopefully we will arrive at, could be a major stimulus to improving the social and economic conditions of Canada's Indian, Inuit and Métis, and assist, among other things, in enhancing their language and culture.

Should we succeed, it will be an historic achievement in which all Canadians can take pride. Just as our success should collectively be shared by all Canadians, so too would our lack of progress. All of us seated around this table and, indeed, all of those whom we represent will have to assume a measure of responsibility and let us not seek to escape that responsibility in the days ahead.

It seems to me in a pretty straightforward way that the challenge is pretty clear. Can we as a nation, can we as Canadians rise above and beyond what we are now to realize what we have yet to become? To be successful, because we have stumbled in the past, we need to approach this conference in, I think, new and imaginative ways.

Too much is at stake to allow ourselves to be bound by the old and tired formulas of the past. Canadians have always prided themselves on their resourcefulness and ingenuity. It is these qualities we must call upon if we are to overcome the challenges that lie ahead.

It must be clear to all that while the shape of an agreement on aboriginal self-government is evident, and there is no question about that, everyone around this table knows what the elements of a reasonable, positive solution could be, there is still a need today for significant movement by participants.

So we are going to have to examine both the areas which unite us as well as those that divide us, and spell it out very clearly. If we can agree on the key principles, then I think the experts that we have in drafting will be able to help us out and do a large part of that. The principles we have got to agree upon and enunciate carefully here at this table. That is a political responsibility for First Ministers and Prime Ministers.

However, it is equally important to understand the reality behind aboriginal self-government. To many Canadians, this is a little used and even less understood term. Canada's aboriginal peoples are fully capable of managing their own affairs. We have confidence the powers they seek to exercise will be fully consistent with Canada's federal system.

Comme tous les Canadiens, les peuples autochtones ne sont pas fondus dans un tout homogène. Ils appartiennent à des collectivités culturelles aussi riches par leurs traditions que différentes par leurs coutumes. Ce qu'ils ont en commun c'est le désir de jouer pleinement le rôle qui leur revient de droit dans notre pays.

Le gouvernement du Canada entrevoit un avenir où les peuples autochtones pourront exercer une influence grandissante dans les affaires qui les touchent directement.

Nous savons que, une fois en place, les institutions de l'autonomie gouvernementale pourront prendre diverses formes. Elles n'en ouvriront pas moins un nouveau chapitre passionnant, un chapitre tout à fait passionnant de notre histoire nationale.

Le Canada s'est bâti sur les principes de la justice et de la compassion, et tous les Canadiens en sont venus à respecter l'égalité comme un droit acquis de naissance. Les peuples autochtones du Canada

y ont droit au même titre que les autres Canadiens.

You know, colleagues, there is nothing novel or startling at all or unique in self-government. It is simply one expression of Canada's democratic tradition. In their quest for self-government then, the aboriginal peoples ask only to be treated as Canadians. Canada's Indian, Inuit and Métis want to enjoy a full role in Canadian society, one based on equality and mutual respect. They seek the freedom that can only come from a new relationship founded upon faith in Canada's ability to grow.

Since 1985 the federal government, along with several provincial governments, have been involved in community-level negotiations. This has taken place in parallel with the constitutional discussions. Through these negotiations we have sought to build a greater understanding of what aboriginal self-government can mean, indeed must mean.

We recognize that self-government in its application must be flexible enough to take into account the differing requirements of aboriginal communities across Canada. Therefore, the negotiations are aimed -- very specifically aimed and acknowledged at the possibility of developing a variety of self-government arrangements and institutional models. None of these models will be appropriate for every circumstance and every condition. But each in its own way can add to our understanding of what self-government can mean

to Canada's aboriginal peoples.

I am, of course, aware that many of you have come to this table with draft proposals. And I noted with interest the useful suggestions made last week by our team of First Ministers, Premier Hatfield from New Brunswick, not only the dean but one of the great leaders on the issues of aboriginal rights in Canada, and another suggestion made by Ontario Attorney General Ian Scott on behalf of his Premier, David Peterson. Indeed, these proposals are striking in their similarity and both appeared to be based on a draft, in large measure based on a draft tabled earlier by the Premier of Nova Scotia and his Minister, the Minister of Social Services, Ed Morris.

These provinces have demonstrated significant movement in order to bridge the gap which remains. Similar flexibility will be necessary this morning from all participants, including the aboriginal organizations, if we are to succeed.

I am advised by way of illustration that the New Brunswick and Ontario proposals would expose government to greater legal risk than previous proposals, the ones that we have been considering from 1985 onwards. Still, what is acceptable is essentially a political judgment. For my part, I am going to pay particular attention this morning to determine whether these proposals or a variation of these proposals

is acceptable to the aboriginal leadership.

To date our negotiations have not been successful in developing a consensus on a constitutional amendment on aboriginal self-government. We may have tripped over adjectives and stumbled over clauses, and when it may be that thoughts that we are capable of articulating are closer to one another than we have acknowledged in the past, I think last night and particularly today is an opportunity for us to assess where we really stand, realizing that constitutionally this is our last such opportunity.

The two years of discussion have clarified areas of agreement as well as the differing perspectives we bring to this table. We are all to acknowledge that the problem is more difficult, is more complex, is different in, for example, Saskatchewan than, let's say, another province and this too I think is acknowledged, and so that there is no mean spirit in this or vindictiveness around the table when people recognize that we are all trying to grasp the fundamental moral issue which has different political implications, political and operational implications.

So this morning I am not going to ask that we turn immediately to specific constitutional proposals. Instead, I think we have got to review the fundamental principles on which they are based.

Les chefs autochtones, par voie d'exemple, considèrent que toutes modifications à la Constitution devraient reconnaître et confirmer un droit absolu à l'autonomie gouvernementale qui puisse être exercée en toute légalité.

La plupart des gouvernements, par contre, soutiennent que ce droit et son exercice doivent être définis par voie d'entente négociée. Ils, les gouvernements, craignent en effet qu'un droit indéfini à l'autonomie gouvernementale puisse avoir des répercussions sur leurs pouvoirs et leurs compétences.

Pourtant, malgré nos divergences, il existe de nombreux points sur lesquels les gouvernements et les associations autochtones peuvent s'entendre.

Par voie d'exemple, toutes les parties approuvent le principe de l'autonomie gouvernementale des peuples autochtones. La plupart sont même disposées à le voir consacrer dans la Constitution. De même, on s'accorde généralement à dire que la négociation consiste et constitue la meilleure démarche pour mettre en place des mécanismes nouveaux d'administration autonome.

Nous reconnaissons aussi, pour la plupart, que nous devons nous engager de quelque façon à ce que de telles négociations aient lieu. De plus, convenons, pour la plupart, que les résultats de ces négociations devraient être garantis par la Constitution du Canada.

Et enfin, nous croyons qu'une modification de la Constitution ne devrait aucunement porter atteinte à la position fondamentale que tiennent actuellement les peuples autochtones du Canada.

The Government of Canada takes the position that the explicit recognition of the right to aboriginal self-government is an essential prerequisite. Anything less, in our judgment, would be unacceptable to aboriginal organizations and the people they represent.

Furthermore, we favour a strong commitment to negotiate within the Constitution. Only through discussion and accommodation can self-government rights be appropriately

defined in order that they receive, in our view, full constitutional protection. Only through negotiation, people talking to people, will we reach greater understanding of one another on this very vital challenge.

And so that is why, quite simply, we as a government consider -- as a federal government, why we consider provincial participation absolutely indispensable in making self-government a reality. The federal government is determined, however, that any proposal remain true to the aims of the Canadian Confederation. The Government of Canada rejects any notion that aboriginal governments will stand separate and will stand apart. Canada's aboriginal peoples must be allowed to enjoy all the rights and benefits derived from being Canadians. The Government of Canada will support any proposal that respects these concerns. We want to ensure that Canada's Indian, Inuit and Métis are given the means of establishing their rightful place within Canadian society.

In short, we welcome self-government for we feel it mirrors the democratic principles which have helped to shape Canada.

Canada is the only country in the world which has entrenched, in its Constitution, rights for its indigenous peoples. In this quest we are also unique in seeking to provide our aboriginal citizens, as we unquestionably must, with a constitutional alternative for strengthening their relationship with the state. So, today we seek new ways of building a better Canada, through the

pursuit of social justice and equity.

Il n'est pas facile de renouveler la Constitution. Nos négociations l'ont bien montré. Mais aucun de nous ne se faisait d'illusions quand nous avons commencé ce processus il y a maintenant plusieurs années. Nous, les Premiers ministres et les chefs participant à cette conférence, nous avons la lourde responsabilité de veiller à ce que ce processus, engagé il y a plusieurs années, aboutisse à une conclusion satisfaisante. Nous ne pouvons accepter rien de moins si nous croyons vraiment à l'équité et à la justice sociale.

To my fellow First Ministers and to the Leaders of the territorial governments I say: Now is the time to translate the dream of aboriginal self-government into reality. See it for what it is, see it for what it can become, a magnificent expression of the common thread which links all Canadians, as vital now as it was to our forebearers. And to the aboriginal leaders gathered around this table and who have gathered for so many decades around other tables without the necessary results forthcoming, to the aboriginal leaders I say: Put aside your fears and build upon your hopes. Join with us in striking an historic agreement that will serve this generation and those yet to come.

En deux mots, in two words let me sum up the position of the federal government.

To the aboriginal peoples of Canada, on

behalf of the Government of Canada, I am proposing explicit recognition of a right to self-government, a chance, a new plateau upon which you would develop a better and more productive relationship with all Canadians. I am proposing, with my colleagues, a way to improve social and economic conditions, to preserve language and culture, and constitutional protection of self-government arrangements so that governments cannot unilaterally alter them in the future. During this process, and at any time, I want it clearly understood, I am not asking you today, nor shall I ask you at any time, to yield on any of your beliefs; and I am not asking you to forfeit any of your rights, as we move towards a solution of this historic challenge. Nor am I asking you to accept any arrangement of any kind that would at any time prejudice your rights to ask the courts to decide if self-government is indeed an existing right in section 35 of the Constitution Act.

So, in short, I am asking you, as leaders, to acknowledge the realities surrounding this process and to demonstrate flexibility and political will as well.

To my fellow First Ministers, I ask you, quite bluntly, to recognize that the essential issue is one of political judgment and political will. This is not one where you can hide behind the legal draftsman. This is a matter of leadership to be exercised by First Ministers. And I ask you to demonstrate genuine commitment to the aboriginal peoples of Canada, show openness and seize this last opportunity to recognize the right to self-government

in our Constitution.

I ask us all to look beyond our entrenched positions so that we might focus on new and creative solutions. In short, I ask you to acknowledge the right of aboriginal peoples to be self-governing.

Let us, together, as First Ministers, as ministers, as leaders of the aboriginal peoples to whom so much is owed and to whom so little was tangibly delivered in Canada, let us, together, demonstrate that we are still true to the vision and imagination that shaped Canada, that benefited so many of us, and let us now share in that same opportunity of hopes and dreams with our aboriginal leadership here today and aboriginal peoples across Canada.

Je demanderais maintenant au chef George Erasmus de prendre la parole. May I now turn to Chief George Erasmus for his comments.

MR. GEORGES ERASMUS (SPOKESMAN, ASSEMBLY OF FIRST NATIONS): Thank you, Mr. Prime Minister.

The AFN is going to start their presentation this morning with a reading of the Wampum Belt, and then I will have a few words.

MR. JEAN MAURICE MATCHEWAN (SPOKESPERSON, BARRIERE LAKE, AFN): We welcome the First Ministers and our brothers and sisters from across Canada to the ancestral territory of the Algonquin Nation.

My name is Jean Maurice Matchewan. I am the spokesperson for the people of Barriere Lake who are part of the Algonquin Nation.

Our delegation will be presenting a Wampum Belt which records an historical agreement between the Indian nations and the French and English nations.

Wampum Belts are very sacred to our people. They are used to record our laws and covenants. We will also present the Seven Fire Wampum Belt.

I would like to introduce the delegation: Solomon Matchewan, the traditional chief for the Barriere Lake will read the agreement Wampum in Algonkian.

CHIEF SOLOMON MATCHEWAN, BARRIERE LAKE:

--- Presentation in Algonkian / Exposé en langue algonquine

MR. MATCHEWAN: Maurice Towaray of Barriere Lake will translate the reading into English.

MR. MAURICE TOWARAY, BARRIERE LAKE:

As our chief mentioned, this historic agreement between the French-speaking nations and the English-speaking nations

and all the Indian nations, according to the reading of this Wampum Belt that we have seen today, there had been a negotiation dealing with this land. There were the representatives of the French-speaking nation on one side and representatives of the English-speaking nation on the other side. In the centre is the Indian nation.

It was agreed, at the time, that the Indian nations would always be leaders in their homeland. Anything that was supposed to be negotiated would have to be negotiated with the Indian people, regarding the jurisdictions and how to deal with each other respecting equality of each nation; that the Indian people would always be the leaders of this continent.

Upon finishing this agreement, a representative from the Vatican, the priest, was there to bless this historical agreement that had taken place at the time. He pointed towards heaven when he blessed this agreement.

We thank you for this opportunity to express what we have shown today. Thank you.

MR. MATCHEWAN: William Komada of Maniwaki, River Desert Indian Band, who is the keeper of the Wampum, will read the second belt.

Patrick Degontiere and Peter Degontiere, both from the River Desert Band, are here to accompany the keeper.

MR. WILLIAM KOMADA, RIVER DESERT BAND: Our father, I am asking, and I beg the Prime Minister and all the ministers, provincial and federal, are represented here to hear what we have to say about our Wampum Belts. I ask

the Creator to put His words in my mouth, not through my will, but through His will, because He is the Creator of all things. He created me. Without Him I wouldn't be standing in front of you Ministers here today. But with Him everything is possible, and I thank my Creator for this.

As you see on this side, we had Newfoundland. In the centre here, if you notice, the Belt was broken here in the early 1800s. Our ancestors told us that one day they will be two nations. It will be the North American Indian continent. Then we found out later, there were no more Behutuk and also no more Mowhican tribes. The Belt told us beforehand.

This fire was lit in the east and it went toward the west. I was over at Lethbridge Conference about a month or so ago, and I had this belt out for the first time in history of Canada or North America. This belt was over out West, and we rekindled the fire that you see on my far left and as we come toward this way, and I believe our western brothers will be responsible for this.

I want to thank the Prime Minister for giving me this opportunity and also all your associates, because it is very, very sad when we talk about Newfoundland. At one time their licence was issued to kill my people. This day we will be issuing the licence that kill the moose or our deer or our cariboo. I hope this will never take place again, and I want to thank my creator for giving me this.

Thank you very much.

As you know, this is a very young belt. This belt consists of glass beads from Hudson Bay Company, the beads that you see out here. The belt was made in 1796, after the revolution of the United States. They were negotiating from 1793, and it took three years to finalize the negotiation to divide our country in two.

We were not allowed to sit with these people that divided my country but they would by themselves put mentions in their treaties, what right

we would have to repass and pass without any molestation, and bring your tent, your canoe and your personal things. You could live in the United States 10 years, 15 years and then come back and live in Canada for another 10, 15 years, if you wanted to. That was very human, but the way we see it now, it is very different. We are molested. We do not have this freedom any longer, and we are asking your people today to try to come to a consensus to remedy this problem we have, because it is through your people.

Four hundred and fifty years ago, you came here to find us in our country but we were here already for four to five thousand years, and then, the water was pure, everything was pure. The trees and the forest were virgin. Today, you look around, you see sick animals, you see sick waters, you see the pollution, everything, and we depend on you people to try to remedy this before we finish.

Thank you very much.

NATIVE SPEAKER: We are here today to remind you of your commitments. This commitment calls for mutual respect and equality between our nations. It calls for the recognition of our leadership over this land and provides that your government should not force the laws upon our people.

This commitment was confirmed by the Article of Capitalization of 1760 and the Royal Proclamation of 1763. It is significant that this

meeting is taking place on Algonkian land. Our people never surrendered these lands. Nevertheless, we are being pressured to remain on-reserve. This was not what our **ancestors** intended.

This commitment which was made with the English and French nations that is contained in the Wampum belt may have faded from your memories but it has not yet faded from ours. The French are no longer represented as a separate state in Canada but that does not change matters. They have been accorded a separate province with their own government. We consider it their obligation to have to come down, the responsibility of that government.

We are disappointed that Quebec is not officially represented here today to fulfill this responsibility.

We are asking the First Ministers to honour the agreement of their predecessors by restoring Indian nations to their original position. They must do this for our future generation. The Constitution must recognize and respect the rights of our people to govern ourselves.

We are grateful for this opportunity to make this presentation.

(Native language / Langue autochtone)

Thank you.

MR. ERASMUS (AFN): Mr. Prime Minister,

it is the view of the Assembly of First Nations that the purpose of this conference is to acknowledge the right to self-determination of the aboriginal peoples of Canada.

This should be achieved by a constitutional amendment which recognizes and affirms our inherent right of self-government, lands and resources.

Any amendment to the Constitution at this time must contain certain key elements. It must acknowledge our right of self-government, lands and resources, an historic right inherent in our unsundered sovereignty. The Parliament of Canada did not and cannot create inherent rights, which are fundamental and natural rights.

Either bilaterally with the federal government or trilaterally including provincial governments, there must be an obligation to negotiate agreements or treaties at the request of each first nation or tribal group, or collectively, on jurisdictional matters, including self-government, lands, resources and fiscal relations.

It is important that any amendment contain a commitment to a process to clarify, rectify, renovate and implement existing treaties, including land claim agreements.

These agreements must be constitutionally protected through Sections 35(1) and 35(3), so that the exercise of First Nations' jurisdictions pursuant to them will not be subject to federal or provincial override.

The rights and jurisdictions acknowledged in the treaties must not be subject to unilateral change on the part of federal or provincial governments, but must require the consent of the respective First Nation.

It is also important that any amendment achieved at this conference does not expand either federal or provincial jurisdiction, nor diminish any First Nation's rights or jurisdictions.

Finally, we must be guaranteed of the enforceability of our rights and jurisdictions.

It is clear, in all this, Mr. Chairman, that each First Nation will conduct its own negotiations and elaborate its rights for itself. What the AFN is seeking here is a framework amendment under which First Nations negotiations can take place.

Now, Mr. Chairman, the AFN is often asked why we pursue further amendments to the Canadian

Constitution while subsection 35(1) already recognizes and affirms our existing aboriginal and treaty rights.

That subsection is protecting our rights -- aboriginal as well as treaty. They include our original title to lands and resources and our inherent right of self-government. But because of the history of our relations with past federal and provincial governments, as well as the way we have been treated in the Canadian legal system, we have to insist, for greater certainty, on explicit recognition of our rights.

Mr. Chairman, subsection 35(1) recognizes and affirms all our jurisdictional powers. It follows, therefore, that we require a substantial reordering of jurisdictions, which reflect First Nations' rights and frees us from over a century of colonial suppression.

We intend to engage in a dynamic and living intergovernmental relationship on the same nation-to-nation basis that was recognized in the Royal Proclamation of 1763.

We have become impatient of waiting for the implementation of the mutual respect and co-existence which was decreed in that Royal Proclamation over 200 years ago, and of our inherent rights recognized and affirmed in subsection 35(1) three years ago.

Nothing short of aboriginal self-government will achieve our aspirations for survival as distinct peoples. Attempts by governments at integration and

assimilation over the years have failed and we have rejected them. We must be able to control our lives on our own lands and using our own resources.

We are not threatening other people in Canada -- those who are the descendants of the settlers or newly-arrived immigrants. We are not trying to disrupt the evolution of Canada. We are not opposed to economic and resource development for the sake of opposition. We are not trying to dismember Canada's territorial integrity.

All we are insisting on is respect for, and implementation, of our rights. What we are striving for is what you are striving for -- full employment, that will include our future generations in strong and controlled regional economies, based upon both renewable and non-renewable resources so that we as First Nations can begin to alleviate poverty and restore our self-sufficiency.

Canada must be truly reflective of the reality of the diversity of cultures and languages and traditions of which it is really made up; let us together build a genuine confederation or alliance of nations to be the soul of the nation-state called Canada that will inspire the future generations of all of its component nations and be a model of multilingual and multinational harmony that is second to none in this world.

Let us together complete the circle of Canadian Confederation.

Mr. Chairman, in our attempt to achieve this state of affairs, we are strongly opposed by those in the federal and provincial governments whose main objective is to preserve the status quo -- a position that endorses an unchanging and stagnant society, which conveys to them a false sense of security.

We are being frustrated by governments which carry on oblivious to history, to the facts, and to the truth.

We are being asked to accept an amendment which will create a new right to self-government and even then only when certain conditions have been fulfilled, which will destroy what we already have, which will change the historical treaty-making process between First Nations and the Crown in right of the Government of Canada.

We rejected that proposal in 1985 and will continue to reject such proposals. The acceptance of a new right will break the continuum of our history and our linkage with our ancestors. This we are refusing to do.

This morning, Mr. Chairman, we had the honour of witnessing a reading of the Wampum Belt.

The Two-Row Wampum Belt was one of the earliest treaties we had with the colonisers well over 300 years ago. What that said, in effect, was "Let us co-exist, share, have mutual respect -- neither

one of us will dominate the other."

The First Nations hold to the principles symbolized by the Wampum Belt which lies before us on this table.

We hold to the principles and rights conveyed by the Royal Proclamation of 1763. In the English Court of Appeal five years ago, Lord Denning declared that that proclamation "Was binding on the Crown so long as the sun shines and the river flows ...(it) must be regarded as a fundamental document upon which any just determination of original rights rests..."

Thirty years after the Royal Proclamation, the Lieutenant Governor of Upper Canada, J.G. Simcoe, told our forefathers that the King's rights with respect to our territory were against the nations of Europe -- not against us. He said, "(the British) claim not a foot of the lands of any (First) Nations with whom (they) have yet held no treaties." And he went on to add, "...the documents, records and treaties between the British Governors in former times and (our) wise forefathers, all established the freedom and independence of (our) nations."

So, we hold that our treaties with the Crown are a reaffirmation of our sovereignty and of our rights -- and clear evidence of our right of self-government and our title to our traditional lands with their resources.

At the same time, successive federal governments have failed to honour their obligations with respect to those treaties. Time and again, our forefathers treated with the Crown in good faith, expecting the treaties to be honoured by both sides.

From the beginning of European contact up to and including the James Bay Agreement of 1975, there is a long trail littered with broken promises.

Time and again, your laws have wrongfully and unilaterally altered our treaties.

Once again, the First Nations are here in good faith, but this time we insist that your supreme law ensures that history does not repeat itself. There must be no more broken promises. No treaty must be altered without our consent. If Canada can bring our treaties to an end without our approval, then, surely, the original deal is broken and all of the lands and resources revert back to us.

Mr. Chairman, Prime Minister, Canada is perceived as a champion of those peoples around the world who are struggling for self-determination. The United Nations Covenant on Civil and Political Rights of 1966, to which Canada is a party, declares that "all people have the right to self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development."

Well, Mr. Prime Minister, we of the First Nations are distinct peoples within Canada. The rights and responsibilities given to us by the Creator cannot be altered or taken away by any other nation. The Creator has given us the right to govern ourselves and the right to self-determination. That right to self-determination is a paramount right which precedes all personal rights.

It is clear from the many binding United Nations Covenants and from customary international law that the right of peoples to self-determination is recognized, as well as their right to sovereignty over their lands and their natural resources.

In 1961, the Security Council accepted the argument of India that colonization does not give sovereignty to the colonizer.

Mr. Chairman, we are pleased to see that the Chairman of the United Nations Working Group on Indigenous Populations is present to observe this conference.

The majority of Canadian public opinion supports us, and we thank the public for that.

Several opinion polls over the past five years have consistently confirmed the widespread support for the entrenchment of aboriginal self-government.

Mr. Chairman, as you well know, the

1983 Report of the Special Parliamentary Committee on Indian Self-Government recommended that a new relationship be established with the First Nations and that one essential element be recognition of self-government.

In addition, we have the vocal support of the Canadian Labour Congress, the Canadian Ethno-Cultural Council, the Canadian Churches, the Canadian Bar Association, and His Holiness the Pope.

You, yourself, Mr. Chairman, said at our conference two years ago that "the key to change is self-government for aboriginal peoples within the Canadian federation." You went on to say that "self-government is not something that (you) fear ..."

We also have the support of the leaders of the two opposition parties in Parliament.

Last month, when the leaders of the four aboriginal organizations met in Toronto, the Leader of the federal New Democratic Party gave us a clear, unequivocal statement of support. Last Friday, in the House of Commons debate, the Leader of the Opposition expressed his belief that our "right to self-government is inherent, has always existed, having never been extinguished." He went on to say, "It exists today and should be recognized ...in the Canadian Constitution."

Why, then, we ask, should there be

a reluctance around this table to amend the Constitution and provide for an explicit recognition of our inherent right to self-government, lands and resources?

A few Premiers and their governments are making valiant efforts to reach a solution, and we applaud them for that. Others are putting up every obstacle they can think of.

Let me, finally, caution that the aspirations and frustrations of the peoples of the First Nations, who are virtually under occupation, cannot be indefinitely ignored without destroying the democratic values and honour of Canadian society.

Equally, international experience shows that any attempt to formalize government relations in terms of a constitution which ignores the indigenous population is doomed to failure.

Mr. Chairman, the challenge to create a new and just society in Canada is now before us.

Thank you.

THE CHAIRPERSON: Thank you, Chief Erasmus.

May I turn now to the leader of the Inuit Committee on National Issues, John Amagoalik.

MR. AMAGOALIK (ICNI): Zebedee will make our presentation.

MR. ZEBEDEE NUNGAK, CO-CHAIRMAN, INUIT COMMITTEE ON NATIONAL ISSUES:

(Native language / Langue autochtone)

Monsieur le Président, je vais vous confier un paradoxe. Je vis au Québec, je me sens québécois, car fort de l'appui du peuple du Québec dans ma recherche de la reconnaissance constitutionnelle. Selon notre sondage, 88 pour cent des Québécois désirent notre gouvernement autonome; 85 pour cent sont en faveur d'un amendement constitutionnel dans ce sens.

Ces deux statistiques sont au-dessus de la moyenne canadienne. Les médias du Québec sont avec nous. Par exemple, Le Devoir de Montréal du 23 mars traite de lourdes gaffes et de punition, le boycottage de monsieur Bourassa aujourd'hui même.

C'est ici que se trouvent nos paradoxes. Absent aujourd'hui, monsieur Bourassa se distance de l'opinion publique. Pourtant, une revision constitutionnelle pour le Québec passe aussi par nous.

Pour ce qui est du Premier ministre du Québec, je ressens du chagrin et de la pitié. Pour le peuple du Québec, je ressens une grande gratitude. Ce qui demeure du geste du Québec, c'est en fin de compte la volonté de diviser les Inuits du Labrador, du Québec et des Territoires. Nous ne pouvons pas accepter ce geste.

Canadians are not threatened by the constitutional protection of aboriginal self-government. They understand that the real threats to our social harmony, economic well-being and international reputation are posed by the existence of politically marginalized aboriginal populations beset with Third World problems of under-development.

Popular support for aboriginal self-government would be even greater if more Canadians were to realize that constitutionally protected forms of aboriginal self-government already exist in this country.

As a result of the James Bay and Northern Quebec Agreement completed in 1975, the Inuit of Quebec have been equipped with the Kativik Regional Government and the Kativik School Board. These institutions of self-government are unknown to the vast majority of Canadians. Although negotiations are underway to secure more powers and a reliable funding formula for these bodies, they already enjoy the status and security of constitutional protection afforded the James Bay and Northern Quebec Agreement through Section 35 of the Constitution Act 1982.

Has the well-being of Canadians outside northern Quebec been in any way imperilled by the constitutionally protected roles of the Kativik Regional Government and the Kativik School Board? Mr. Chairman, the answer to that question is self-evident. We have the opportunity at this conference to change the Constitution so that all aboriginal peoples can sit down with federal and provincial governments to negotiate necessary arrangements.

We have an equal opportunity to ensure that self-government arrangements once negotiated are allowed to evolve. These opportunities should not be

lost because of ill-founded fears of judicial or administrative chaos.

If the majority of Canadians recognize the need for aboriginal self-government, that need should be even more apparent to First Ministers.

Insofar as our shared citizenship obliges, federal and provincial governments to demonstrate concern for our problems, it is essential that First Ministers and their governments be able to negotiate solutions to these problems with duly mandated aboriginal representatives.

It is in the interests of aboriginal peoples that their will to self-determination be recognized, accommodated and protected by the first law of the land. But it is equally in the long-term interest of the non-aboriginal leaders gathered around this table that aboriginal peoples be able to express their collective viewpoints through effective, accountable institutions of self-government.

It is no accident that the representatives of aboriginal peoples have taken part in four special First Ministers' Conferences aimed at securing amendments to the Constitution. It is no accident that we have been involved and not the representatives of business, labour, municipalities or other worthy groups. Our very participation has been a constitutional admission that the aboriginal peoples of Canada have a distinct role in the debate about the future of

confederation.

There has been an admission that our arguments for self-government are both pressing and just. Legitimacy, once acknowledged, cannot be lightly denied. We are all aware of the cumbersome qualities of the First Ministers' Conference process. The political expectations created through this process must be channelled into concrete results at the regional level.

In the case of Inuit, results should take such forms as the creation of Nunavut Territory in the eastern half of the Northwest Territories, strengthened institutions of regional autonomy in northern Quebec and progress towards regional self-government in the Beaufort region and Labrador. Throughout the Arctic, the contribution made by Inuit use and occupation to the assertion of Canadian sovereignty over Arctic waters must be acknowledged through an Inuit role in offshore management.

As we have indicated on a number of other occasions, amendments to the Constitution with respect to aboriginal self-government must have four necessary ingredients. One, such amendments must not take away from the protection offered aboriginal and treaty rights set out in the Constitution.

Two, such amendments must not purport to assert that aboriginal entitlement to self-government flows only from the amendments themselves. Such an

assertion would not only be offensive to aboriginal peoples, but would represent neither historical nor contemporary truth.

Three, such amendments must give rise to the more precise elaboration of institutions and mechanisms of aboriginal self-government at the regional level. Self-government provisions unaccompanied by a process for their practical implementation would be only a limited achievement.

Four, aboriginal governments must have the necessary revenue-generating capabilities and resources to ensure effective political autonomy. We believe that in order to be reliable, these financial arrangements must be rooted in a constitutional amendment.

Our committee continues to believe that these four ingredients are essential to our success, but before closing I would like to take a few moments to elaborate on the second ingredient, namely that the amendments with respect to the aboriginal self-government must not purport to assert that aboriginal entitlement flows only from the amendments themselves.

Premiers are amply familiar with the ways of aboriginal peoples on this matter. We have spoken against any amendment that would suggest that the concept of aboriginal self-government was meaningless prior to an amendment coming into force.

To agree to such an amendment would be to raise historical revisionism to a constitutional art form. The recognition of aboriginal peoples as self-governing societies, however imperfectly applied, has characterized the relationships between aboriginal peoples and non-aboriginal peoples since the initial European contact.

It is impossible to account for the colonial charters, the Royal Proclamation, the numbered and modern day treaties, even the Indian Act, without acknowledging that aboriginal peoples have always been understood to have a political culture quite different from that of any newcomer Canadians.

There is much in our shared national history that is regrettable, but we do not improve upon it by constitutional amendment that denies the unbroken continuity of aboriginal assertions to autonomy. We have heard the concerns expressed by a number of conference participants about the legal implications of a general right of aboriginal self-government in the Constitution.

We will be very disappointed by any continued insistence on a non-enforceability provision. After five years of negotiations, each one of us has a clear understanding of the impediments which stand in the way of agreement.

We have a duty to work on overcoming these impediments and the Inuit Committee on National Issues is committed to exploring reasonable solutions

which allow us to retain our pride as aboriginal peoples by leaving intact the inherent right to self-government which is already recognized and affirmed in Section 35.

(Native language / Langue autochtone)

MR. AMAGOALIK (ICNI): Mr. Chairman, in our meeting last night, you advised us to leave our sting at home, so my speech will be brief.

As one of the veterans of this process I would like to take this opportunity to welcome the newcomers to this process, Premier Ghiz of Prince Edward Island, Premier Getty of Alberta, Premier Vander Zalm of British Columbia, Premier Peterson of Ontario. I would also like to take this opportunity to give great credit where credit is due.

I want to give credit to Edmund Morris, who has been imaginative, courageous and very hard-working. I want to give credit to Premier Hatfield, who has attended all ministerial meetings on this matter, even though he did not need to. I give him credit for the political courage that he has shown. I want to give credit to Roland Penner, who has been a champion of this cause.

I want to say a few words about inherency. I do not want to be stuck on adjectives, but I must insist on the principle. I insist on it because I owe it to my ancestors; but more importantly I owe it to my children

The theme of this Conference is the completing of the circle of Confederation. This nation is incomplete, this nation is not whole. It is our duty to complete the circle of Confederation.

I love this nation for two main reasons. First, because I have seen others, because I have studied others, and I love this nation. The people of this country are tolerant and generous people. It is unfortunate that this is not always interpreted into the policy of governments.

Secondly, I love this nation because one third of it is the Inuit homeland. I ask for your understanding, I ask for your compassion; I ask you to dig deep into your hearts and find the courage to do the right thing.

As the Prime Minister has said, it is time to move on to a new plateau. It is time to write a new chapter in Canada's history. When we have done this we will have changed the fundamental fabric of this nation, and the nation will be better for it.

Thank you.

THE CHAIRPERSON: Thank you, John. In his earlier comments, Zebedee mentioned some polling data where somebody was getting 78 per cent and 67 per cent and 83 per cent. That is very depressing for me to contemplate, somebody doing that well, so before I break down in tears I am going to suggest we have a coffee.

--- Recess 11:05 / Ajournement 11:05

--- Upon Resuming 11:20 / Reprise de la séance 11:20

THE CHAIRPERSON: I want to turn to Yvon Dumont of the Métis National Council and ask Mr. Dumont if he will please begin. Monsieur Dumont, s'il vous plaît.

MR. YVON DUMONT, PRESIDENT, MANITOBA METIS FEDERATION, METIS NATIONAL COUNCIL: Thank you very much, Mr. Prime Minister.

We are happy to be here, finally, at the long awaited First Ministers' Conference of 1987.

I want to say, from the outset, that the Métis nation recognizes the importance of the role of the Métis women within the Métis nation. And we have, amongst our delegations, representatives of the women of the Métis nation. We have Mira Laramee, the President of the Manitoba Métis Women's Alliance, and we have Joanne Daniels

and Muriel Vennes, spokespeople for the Alberta Association of Métis Women.

We are encouraged this morning by the words of the Prime Minister. We are encouraged by the words of the Prime Minister last night at the Prime Ministers' supper. And I am also encouraged by the words that the Prime Minister used at the past conference of 1985. He said that the Canada that we are building must recognize that there needs to be room for our aboriginal people. And I am happy that last night he agreed that land would be part of the discussions today and that it would be part of the agenda.

I also want to quote Manitoba's father of Confederation, at his trial in 1885. He said that "we are a nation of people, we are not birds, we must walk upon the ground, upon the land." The importance of land to the Métis nation has been important from the beginning, and the struggles that took place between the Métis nation and Canada in the early days have always been over land.

On est désappointé par le fait que le Premier ministre de la province de Québec n'est pas ici aujourd'hui pour supporter les Métis de l'ouest. On a toujours eu le support des gens du Québec, de la province de Québec. On l'avait en 1885, on l'avait en 1870 quand on en avait besoin. Ça nous fait mal au coeur qu'à ce moment dans l'histoire des Métis le Premier ministre de la province de Québec n'est pas avec nous pour nous assurer que les gens du Québec supportent la nation Métis et les autres groupes aborigènes qui sont autour de cette table.

The Métis nation believes that the rights of aboriginal people are collective human rights. These rights are inherent in us as peoples and are not based on the formal recognition by any state. They existed independently of and before the state. Rights which exist independently of the will of the state cannot be abolished or even modified, even by its Constitution. The guarantee of the fundamental rights of peoples possesses a super constitutional character. Modern international law guarantees three collective human rights: the right to exist as a people; the physical existence, self-determination; and the right to utilize natural resources. And these are the kind of rights which the aboriginal peoples of Canada are attempting to have recognized in the Constitution of Canada.

We want to be Canadians. We have always wanted to be Canadians. Part of the struggle that took place in Manitoba in 1870 was because we wanted to be Canadians. We wanted to be then and we want to be now, but we want to make sure that we have the guarantee that our input, effective input, will be received by the governments of Canada and of the provinces.

What kind of obligation does Canada have to amend the Constitution to provide a place for aboriginal peoples? The legitimacy of the constitution of a nation is based on agreement. Recently the Supreme Court of Canada said that the Constitution of a country is a statement of the will of the people to be governed in accordance with certain principles as held as fundamental and certain prescriptions restrictive of the

powers of legislature and government.

Historically the Constitution of Canada was misconceived as a pact or a treaty of union between two peoples, the English and the French. Section 37 of the Constitution Act of 1982, along with Section 35, evidences the recognition of an historic oversight. Although early British constitutional practice and law recognized the separate existence and rights of the aboriginal peoples, their agreement was not sought in the making of the original British North America Act of 1867.

The Royal Proclamation of 1763 recognizes that the British Parliament wanted to make sure that they did not overlook the rights of aboriginal people if they established their colonial governments in Canada. A letter to the Government of Canada, from the Colonial Secretary of England, made it clear that the British government did not want the Government of Canada to impose their rule over the Red River if they met resistance. As a result of that, the Manitoba Act has changed that oversight to a partial extent, because it was based on agreement with the Métis.

The basis of agreement for the legitimacy of the Manitoba Act of 1870 shattered, however, by Canada's refusal to adhere to its promise to guarantee land rights for the Métis and their descendants. That promise had always been understood by the Métis to be a given for the acceptance of the Manitoba Act. And, since it was not lived up to, since those basic promises were not kept, we feel that the Manitoba Act and the Constitution of Canada are void.

The legitimacy of the Constitution of Canada must be predicated upon the agreements of all people who live within this nation, not only the English and the French and those who, as individuals, have adopted it by emigrating to this land.

All governments of Canada, federal and provincial, have an ongoing super constitutional as well as a constitutional obligation to seek agreement for an aboriginal rights amendment.

I was sent here by the Métis nation as their spokesman. I want to tell you that before I came here a Métis elder said to me, "Make sure you don't come back from Ottawa with a shiny old car that is going to rust in no time."

He told me this story: He said many Métis people in the past have gone to the big cities with their family savings to buy a car, and they bought a shiny used car. They came home with that shiny used car and it looked good for a few days. Not too long after, the rust started to show through the paint. Then the rear end would seize. The Métis who had bought the car could not tell that there were problems there because they found sawdust in the rear end.

I come here with the rights of my people. I am armed with the strength of my people. I must not return with a shiny new amendment that looks like it really accomplishes something and looks good on the short term,

politically, because I have negotiated a deal for my people, and then a few months later find out that the rust is starting to show through and that I have, in fact, come back with a used car.

Section 37 provides for at least two more constitutional conferences -- at least two more -- but it is not restricted to two. Given the obligation of Canada to seek to establish the legitimacy of the Constitution by securing the agreement of the aboriginal peoples to a place within the constitutional scheme of things; the obligation of Canada to work actively and positively towards securing an amendment cannot be said to end with the FMC 1987.

There is an obligation for the Government of Canada and for the governments of the provinces to make sure that there is room in Canada's Constitution, and in our country, for aboriginal peoples.

Based on these principles, Canada's Constitution can never be said to be complete until the Government of Canada and the governments of the provinces have reached an agreement with Canada's aboriginal people.

I also want to recognize in the audience behind us Dr. Erica Irene Dyes, Chairman of the United Nations Working Group on Indigenous Affairs. She, I am told, has also received the Order of the Sash from the Métis nation.

I want to also recognize the efforts of those people who have made monumental efforts in this process to show that there is political will out there on the part of

the provinces to support an amendment that really means something for the aboriginal peoples of Canada.

I want to recognize Manitoba's Attorney General, Roland Penner, for the efforts that he has made to this point.

I want to recognize Edmund Morris for being the pioneer in the last couple of months, of the importance of recognizing an explicit right for aboriginal peoples in the Constitution.

I also want to recognize Premier Richard Hatfield for his efforts, especially his most recent efforts.

And a person who is almost forgotten, who put a lot of time and effort in chairing all of our ministerial meetings, the Honourable Ray Hnatyshyn, for the efforts that he has put into the meetings and for trying to reach consensus amongst everybody.

We are here as a Métis nation, optimistic, that this conference will be a success. We feel the majority of Canadians want it to be a success. The aboriginal peoples want it to be a success. The governments and their representatives who are here also want it to be a success.

I want to make sure -- and I want to say to that Métis elder back home that I will not return with a shiny used car in exchange for the rights of my people.

Thank you.

LE PRESIDENT: Monsieur Dumont, représentant le Conseil national des Métis, par votre présence même vous nous rappelez un chapitre peu glorieux dans notre histoire

au Canada.

Those of us who listened to Jim Sinclair last night, speaking on behalf of the Métis people, know the extent to which our history is marked by the sorrow that has been inflicted and borne by the Métis people. I think it reminds us all of our obligations, at this conference, on behalf of all aboriginal peoples, to do better than we have in the past.

Je vous remercie, monsieur Dumont, de vos commentaires, et je demande à monsieur Smokey Bruyère maintenant de prendre la parole.

MR. LOUIS (SMOKEY) BRUYERE (NATIVE COUNCIL OF CANADA): Thank you, Mr. Prime Minister.

Before I begin my remarks, I would like to welcome all those new Premiers who are here for the first time, in terms of this process. I think this is an exciting one. It is important in the sense that they are learning something that maybe they had not been exposed to in the past, and may never again be in the future, if this process doesn't go anywhere. But, also in terms of those governments that have come forward with very progressive positions in terms of what we are looking for, I would like to recognize them. I don't think it has to be done by name; I believe it has been done by many other people.

In terms of our own internal discussions, in terms of what we have been talking about, as aboriginal organizations and as the Native Council of Canada, I think

one of the things we used as a basis was the Nova Scotia Draft Four, in terms of using that to try and build up what we consider to be our just rights. It formed the basis for that for us, in terms of what we are putting forward. It was a starting point.

As I said at the time, in terms of the ministers, we didn't agree with all the points in it, but it sure went a lot further than what was on the table at the time. We would just like to say thank you very much to Nova Scotia because I think it was well worth the effort, as well as those who have come forward with their new proposals since then.

In terms of the elders who are here from all of the different nations, organizations and governments, I think they can lend us an awful lot of support in terms of what we are trying to do. Hopefully, people around this table will get an opportunity to speak to some of those people because they can lend an awful lot, in terms of the history, that some people may not be aware of, in terms of Canada.

I think we are all aware, thanks to previous speakers, of the importance and the historical significance of the work that we have ahead of us in the next two days. So I won't take any more time to emphasize that aspect of this conference. We all find ourselves designated as players in a process that, for better or worse, will shape the future, not only for aboriginal people in Canada, but for all Canadians

I do think I should take the time to highlight an element of this process that might otherwise be overlooked.

We have all heard and read criticisms of this process. In particular, the press and government spokespersons like to emphasize the difference among and between the aboriginal peoples. If we cannot agree among ourselves this day, how can we expect to get what we want?

We could simply point out that the non-aboriginal governments around this table disagree more often than not. Even ministers within a single government have been known to contradict each other, and their leaders, from time to time.

There is no doubt whatever that you will hear many voices from this end of the table over the next two days. We are a diverse people spread across huge distances and facing many different circumstances. But that is our strength; not, as some would have us believe, our weakness.

It is true that we speak with many voices. But it is also true that we speak from one heart.

Thanks largely to this process, the aboriginal peoples of Canada have come to know and understand one another more fully. We have learned that most of our differences between us are both necessary and healthy.

More importantly, we have learned that our similarities are deeply and profoundly rooted in the very existence and meaning of this continent.

Today we, the aboriginal peoples of Canada can sit across from you with a common point of view which we think will accommodate the diversity that is so necessary to our survival as distinct peoples.

With that in mind, Mr. Prime Minister, I would like to identify the major elements of the constituency of the Native Council of Canada, so that everyone can understand the necessary differences which must be accommodated in order to deal justly with the people we represent.

Most of our constituency are Indian people who are not now and probably never will be registered as status Indians under the Indian Act. This means that the majority of Indian people in Canada are not band members, do not live on reserves and according to the federal government are not eligible for benefits, programs and services that are available to their status Indian brothers and sisters.

The unilateral imposition of the Indian Act not only deprives us of basic human rights as Indian peoples, but discriminates even between members of the same family.

The Native Council of Canada also represents the constituency of Métis people across Canada who are descendents of Métis communities, which both pre and post-date the more familiar

Red River Métis populations. Again thanks to the federal policy over the years, these aboriginal peoples are not currently recognized as being eligible to access or exercise the rights and benefits the Government of Canada so proudly and loudly makes available to other aboriginal peoples.

It is important to understand that this discriminatory government policy not only impacts on individuals, but can victimize entire communities. The Government of Canada selects which aboriginal communities it will recognize under the Indian Act and ignores others. Only one Indian community in Newfoundland has been recognized, while three bands and six other communities represented by our affiliate, the Federation of Newfoundland Indians, are denied that recognition.

These communities and six isolated Indian communities in northern Alberta, as well as others, are being arbitrarily denied of their just recognition in violation of the Canadian Constitution.

The NCC also represents several smaller but no less significant constituencies. They are affiliated off reserve status Indians who are no longer represented by their bands. There are the more recent new status Indians who have been reinstated under Bill C-31, but who are not band members or do not live on reserve.

In total, the Native Council of Canada

I believe represents the majority of people of aboriginal ancestry in Canada. They face a great variety of circumstances and needs which this process must accommodate. It is our responsibility and our mandate to propose, in concert with our aboriginal brothers and sisters, an amendment to the Constitution of Canada which will accommodate that purpose.

Since our last meeting in 1985, Mr. Prime Minister, we have collectively determined the basic elements that must be present in any amendment on aboriginal self-government. Simply stated they are: One, there must be an explicit and non-contingent statement of recognition of the enforceable right of self-government in land for the aboriginal peoples of Canada.

Two, there must be an entrenched commitment on the part of federal and provincial governments to negotiate agreements to implement that right.

Three, once agreements are reached there must be an entrenched mechanism to apply constitutional protection to those agreements.

Four, there must be a non-derogation clause to protect current aboriginal and treaty rights.

Five, there must be a financing clause which assigns primary responsibility to the federal government for guaranteeing that aboriginal governments

will have sufficient financial resources to serve their constituents at a level reasonably comparable to other Canadians.

Six, there must be an equity of access clause which guarantees that all aboriginal peoples in Canada will have the opportunity and the resources to negotiate self-government agreements on an equitable basis.

I have left our equity of access concept to the last, not because it is the least important, but because it is so critical to the constituency of the Native Council of Canada. I intend to outline it now so that there is no doubt as to its importance to our delegation.

At the last First Ministers' Conference, Mr. Prime Minister, you made a statement that we hoped would result in a solution to a problem which has victimized our constituency for generations. It might refresh everyone's memory. The statement in the transcript was, "Both I and the federal government accept that the Métis and non-status people have unique problems regarding the protection of their rights. I, of course, confirm today, as I have in other circumstances, a commitment to attempt to recognize their special needs. I am going to be convening a meeting which I will personally chair with the leaders of the Metis and non-status Indian people, with Mr. Crombie and Mr. Crosbie to examine ways in which we can work together to guarantee their rights and obtain the equality

which the Constitution Act envisaged." It is somewhat overdue.

In response to our questions you subsequently confirmed that this special initiative would also address the issue of land.

In a nutshell, sir, your words expressed exactly what our equity of access is all about. We want to be guaranteed that the people we represent are able to access their aboriginal treaty rights on an equitable footing with other aboriginal people.

We had expected the meeting with you on December 11th, 1986 to begin that process. Unfortunately, it did not, as we are back at this table adamantly determined to entrench a guarantee that our people would be treated fairly, justly and equitably.

I know there are those around this table who think that is already the case and that Part Two of the Constitution applies to all Indian, Inuit and Métis peoples. In theory it does, but in fact the application or implementation of rights is grossly imbalanced and at the expense of our constituents.

I do not intend to go into a lot of detail now, but we do insist that this item be on the agenda and I do want to make the issue clear to those who are not familiar with all the ins and outs of this situation.

The simple reality is that the practical

access to benefit from aboriginal treaty rights is currently controlled by non-aboriginal governments, mostly the federal government as the Constitution now stands.

There are three ways in which aboriginal people can expect to access their rights. The first is Section 91(24) of the Constitution Act which gives the federal government the exclusive jurisdiction to legislate for Indians and lands reserved for Indians. The federal government has unilaterally and arbitrarily chosen to exclude Métis and most unregistered Indians from recognition under that section.

As a result, the law has been applied in such a way as to exclude our constituency from benefit of whatever access to right might be generated under Section 91(24).

The second way aboriginal people access rights is through treaties and treaty rights. Again, the federal government has unilaterally and arbitrarily applied the law and federal policy so that only registered Indians will be able to benefit in any realistic way from their treaty rights.

Most of the constituency of the Native Council of Canada, even if they are direct descendants of original treaty signees, are excluded from access to right via treaties solely

on the basis of current federal policy and the acquiescence of that policy by provincial governments.

Even when the Supreme Court of Canada strongly affirms the right of both status and non-status Micmac people under the Treaty of 1752, as it did 18 months ago, both federal and provincial governments ignored the decision and continued to apply the old misguided laws and policies. If the Supreme Court itself cannot move governments to act, how can they expect us to accept anything less than constitutional entrenchment as a safeguard for our rights.

The third way aboriginal people can access their rights today is through specific and comprehensive claims processes. Once again, the unilateral and arbitrary application of federal government policy excludes the constituency of the Native Council of Canada. Only bands can make specific claims and few band members are among our constituents.

The arbitrary application of this claims policy is highlighted by the fact that both Métis and non-status peoples are included in claims agreements north of the 60th parallel and unilaterally excluded from claims south of that imaginary line. As a result, most Métis and non-status find themselves cut off from access to that mechanism for accessing their rights.

It seems to us, Mr. Prime Minister, that the federal government cannot have it both ways. If

our constituency is denied access to their treaty rights in areas where treaties were signed, then it follows that their aboriginal rights and title must be unsurrendered and intact. That should make them eligible for benefit from land claims processes, but currently federal policy denies our constituency that opportunity, even when the government's own commission recommends a separate process be established.

We want to remind the delegates here that our original reference was for an equity of access guarantee which would apply to all aboriginal and treaty rights. In the interests of co-operation, we have agreed to limit the clause specifically to the negotiation of self-government agreements as long as that was the only amendment which was to be considered at this meeting.

However, if other amendments are to be considered as well, on treaty and treaty rights for example, we certainly reserve the right to introduce our equity of access concerns on those issues as well. We can see that the Constitution may well apply to all aboriginal people, but access to concrete benefit from those rights is rigidly controlled by unilaterally imposed government policy.

We are saying that the law has and is being used to cut our constituents off from access to

their birthright. We are here to insist that the law be used both to correct that situation and to guarantee fairness to our peoples. We have been left with no other choice. As you said yourself two years ago, Mr. Prime Minister, it is somewhat overdue.

Before I conclude my opening remarks, Mr. Prime Minister, I want to alert the meeting to another set of issues which we must deal with before this meeting is over. Mr. Dumont brought them up a minute ago as well.

We must decide how we are going to proceed when this conference has ended.

In 1983, we all agreed to amend the Constitution in favour of aboriginal people. Included in that amendment is an agenda with a whole range of items which must be dealt with. Self-government is only one of them. Even if we assume a successful self-government amendment, we must address how we are going to deal with these other items.

I understand there is a great reluctance to discuss the extension of the process for fear it will take the pressure off the necessity of a successful conclusion to this meeting. We simply cannot walk away from here without addressing the many other issues we have before us. We will be prepared to address these issues at the appropriate time.

As well, at this point, in terms of inherency, I believe that people are born with their inherent rights. There is no way that that can be taken away by anybody. It is something you will always have until you die and it will be passed on to future generations.

I think that is the basis upon which we have all sat around these tables to talk about in terms of the aboriginal peoples, and I do not see us falling by the wayside in that sense.

In terms of people who are here to listen and see what is taking place in terms of all of our talks that are going on, in terms of our delegation behind us, we have here with us Judge Maxwell Cohen of the International Court. He is here as part of our delegation so that he can see what is taking place and will be better able to advise us in terms of where we should be going in this whole process.

I conclude my statement by echoing the sentiments of others around the table for a successful meeting. I can assure you that the Native Council of Canada is here to help to achieve a successful conclusion. That conclusion must be for the benefit of our people, not at their expense.

Thank you, Mr. Prime Minister.

THE CHAIRPERSON: Thank you, Smokey.

If I missed extending a welcome to Max Cohen, I do so now on behalf of us all.

Thank you very much.

Colleagues, it was agreed that the aboriginal leadership would begin and respond, after which we would turn immediately to First Ministers.

It is now just about noon, but I think, if we move now, a large number of First Ministers will have an opportunity to speak before lunch which we are going to have together.

To get that process under way, I would ask Premier Peterson to begin, please.

HONOURABLE DAVID PETERSON, PREMIER OF ONTARIO AND MINISTER OF INTERGOVERNMENTAL AFFAIRS, PROVINCE OF ONTARIO: Thank you, Prime Minister.

Fellow Premiers, heads of territorial governments and leaders of the aboriginal associations, I am certain that no one at this table underestimates the challenge confronting us to redefine the nature of the relationship between aboriginal and non-aboriginal peoples in the face of injustices and disappointments in the past.

I am equally certain that no one here underestimates the opportunity before us to devise a new and more effective constitutional framework to ensure fairness and equal opportunity in the future.

As has been pointed out on many occasions, this is my first opportunity to participate in a First Ministers' Conference on Aboriginal Constitutional Matters. May I say that I am very proud of the role my predecessors played as Premiers of Ontario in their search for innovative and creative ways to achieve consensus. In that tradition, the government

which I represent will continue to make every effort to achieve aboriginal self-government. We are committed to self-government and we are determined to make it a reality.

I know that all of us wish to achieve a fairer and more effective relationship between aboriginal and non-aboriginal peoples of this country. Such an achievement is important not only to aboriginal peoples but to our self-respect as a nation.

On admet généralement qu'on peut se faire une bonne idée de l'humanisme du gouvernement en regardant de près sa conception des relations entre ses minorités et la majorité. C'est un défi qu'on a déjà l'habitude de relever au Canada. Nous l'avons fait dans les différences de langues, de coutumes et de races.

We have not devised perfect solutions. Invariably, majority and minority groups have been able to explain their goals and concerns to each other and bring about workable and practical solutions which reflect a balance between their interests.

In spite of this wealth of experience, success has consistently eluded our attempts to establish fairness and effectiveness in the relationship between the aboriginal and non-aboriginal peoples. This conference represents an opportunity to begin the process of rectifying that situation.

To do so, we must come to terms with a great dilemma. To survive minorities must have both the means to develop and the freedom to remain distinct. All too often, the price of one is the surrender of the other. No single group in Canada has experienced this dilemma with greater force than our aboriginal peoples.

For almost a century and a half the price of achieving social and economic development has been the loss of cohesion and identity. The price of maintaining group identity and membership has been a relegation to the margins of a non-native society.

Today no responsible Canadian accepts the notion that one people should exercise power over another to the extent that that power has been exercised over aboriginal peoples. At the very least, it is an affront to our democratic tradition.

On an equally fundamental level, Canadians are deeply disturbed by the social and economic inequities that aboriginal peoples face. Average family income is significantly lower and unemployment is significantly higher.

In my view, these conditions can be alleviated only if we provide a framework under which aboriginal people will be able to develop their communities as centres of cultural integrity and economic opportunity. That is the goal of aboriginal

self-government.

Aboriginal peoples do not live in legal and political isolation. They form part of Canada. The rights and actions of any Canadian affects all others.

For that reason, within self-government negotiations, it is the responsibility of governments to ensure that any rights are defined in a practical way, in a way that recognizes the essential interests of aboriginal and non-aboriginal peoples alike. It must be possible to resolve the inevitable differences that arise between neighbours and neighbouring governments quickly, fairly and effectively.

The negotiation of self-government can succeed only in a co-operative environment. Mutual respect and openness to the interests of others will be required not only of the parties to negotiations but also of the people we represent, for it is they who must make aboriginal self-government work.

Therefore, our challenge is to find the means of balancing aboriginal objectives and non-aboriginal concerns. That goal is not simple, but few important goals are. The path ahead of us may seem long and winding, but it should not blind us as to how far we have already travelled together.

We have a tendency at conferences like this to focus on our differences. What we tend to

forget is how much we agree on the underlying issues.

First, there is agreement that the relationship between aboriginal and non-aboriginal peoples must be redefined, and we must proceed on the basis of greater mutual respect and understanding.

Second, there is agreement that the objective of this relationship must be to allow aboriginal peoples to maintain their distinctive linguistic and cultural heritage and take advantage of economic and social opportunities available to other Canadians.

Third, there is agreement that to achieve this objective aboriginal peoples must exercise greater autonomy in decision-making for their community affairs and that aboriginal self-government is the means by which to achieve this increased autonomy.

Fourth, there is agreement that aboriginal self-government must receive an explicit place in our Constitution. Most participants are seeking a way to do that now. Others believe it should be done only after self-government is better defined. None disagrees about the ultimate objective.

Fifth, there is agreement that the detailed content of aboriginal self-government, the structures, powers and financing appropriate to different circumstances, must result from extensive political negotiations. These negotiations must take place among the federal, provincial and territorial governments

on the one hand and the various aboriginal peoples on the other. There are few existing models or blueprints to guide us; so we are all breaking new ground.

Sixth, there is agreement that governments must make a solemn commitment to the aboriginal people to undertake these negotiations. Most governments are willing to state this commitment in the Constitution; others in a political accord. However, the commitment itself is not in question.

Seventh, there is agreement that, once self-government agreements are reached, they must be given constitutional recognition so that they cannot be arbitrarily changed by any of the parties to them.

Eighth, there is agreement that the constitutional statement of the right to self-government and the negotiation of the specific arrangements must, in no way, prejudice any of the other constitutional rights and protections that the aboriginal peoples of Canada now enjoy.

Canadians, I believe, can take considerable pride in what we have thus far achieved. The challenge we now face is to translate this achievement into constitutional language. Every word in the Constitution has legal meaning and is open to interpretation by the courts. Having accepted aboriginal self-government as our objective, it is now our task to give it clear meaning.

How explicit can we be in the Constitution in the face of virtually no experience with aboriginal self-government? How can we best set out a clear right to self-government for aboriginal peoples while protecting the rights of their neighbours? In short, how can we in constitutional terms identify a creative balance between minority objectives and majority concerns?

It will not be easy. Aboriginal associations are united in support of an explicit statement of a right to self-government which is unqualified, undefined and immediately enforceable in the courts.

Governments, on the other hand, see a need for a more practical experience before committing themselves unconditionally to such extensive changes in the Constitution.

La difficulté consiste à rapprocher des intérêts très différents. Il n'y a pas de solution simple ou de formule magique. Il existe un juste milieu que nous partageons déjà. Nous devons partir à agrandir ce juste milieu. Cela va exiger de nous tous un sens de compromis et de consensus.

In that spirit, I asked the Ontario Attorney General and Minister Responsible for Native Affairs, the Honourable Ian Scott, who is with me today, to write to his colleagues and to the aboriginal leaders last Friday, setting out a new approach which we believe can form the basis of such a consensus. It goes significantly beyond the government positions that have

previously been put forward.

I want to outline briefly for you the thrust of our proposal. It encompasses several points. One, an explicit right of self-government for the aboriginal peoples of Canada. Two, an explicit commitment by the federal and provincial governments to negotiate self-government agreements at the request of aboriginal peoples. Three, federal and provincial involvement to give self-government agreements constitutional status. Four, a provision to ensure that the amendment is without prejudice to any other rights of the aboriginal peoples. Five, a provision to ensure that the amendment does not affect existing federal or provincial rights or powers, except insofar as governments agree through the negotiated self-government agreements.

This proposal represents a reasonable balance between the perspectives of the aboriginal peoples and governments. It gives the courts a role in interpreting the right to self-government while preserving existing federal and provincial roles. For the first time in any government proposal there would be the potential for recourse to the courts. It permits governments, federal and provincial, to relinquish the exercise of their legislative powers, but only by negotiated agreement. It prevents any of the parties to an agreement from unilaterally renouncing it or any part of it. It requires the federal and provincial governments to negotiate by a simple request of the representatives of aboriginal peoples.

It does not seek to limit aboriginal rights elsewhere in the Constitution.

I do believe that we can reach an agreement, but we must be prepared to take some risks and show some trust. We must each walk toward the centre if we are to reach that consensus.

I understand the sense of historical grievance that aboriginal people bring to these deliberations. I understand, also, the sense of caution that governments bring. But our task, and I believe we owe it to our children, is to bridge these two perspectives. I am hopeful, Mr. Prime Minister, that the proposal which Ontario has put forward today can help us to build that bridge.

Thank you.

THE CHAIRPERSON: Thank you, Premier Peterson, for your remarks and for the draft resolution, both of which, as I have indicated, I view on behalf of the government as constructive and helpful to this process that we are engaged in today.

May I turn to Premier Buchanan.

HONOURABLE JOHN M. BUCHANAN (PREMIER OF NOVA SCOTIA): Thank you, Prime Minister.

Mr. Prime Minister, colleagues, territorial leaders, aboriginal leaders, first of all I want to thank John, Yvon and Smokey for their very kind words of praise for Edmund Morris. But, Mr. Prime Minister, I believe enough is enough and that praise can go too far.

I just received a note from the message centre, addressed to the Hon. Edmund Morris, Premier of Nova Scotia. "Please call your office as quickly as possible."

THE CHAIRPERSON: If that is going on, let's adjourn.

MR. BUCHANAN (NOVA SCOTIA): Mr. Prime Ministers, in previous First Ministers' Conferences on aboriginal constitutional matters -- and I have participated in all -- I stated Nova Scotia's commitment that the aboriginal people must be supported and assisted with the development of significantly increased authority and responsibility for their own internal affairs.

At the outset of my remarks, Mr. Prime Minister, I want to congratulate you, sir, for your initiative and your leadership thus far in this conference and in the last conference. This morning, you, in my opinion, have set the tone for this conference. You have challenged us to arrive at an agreement which we can all support, and I now sense an attitude around this table which should enable us to arrive at a successful agreement.

Indians have lived in Nova Scotia for at least 10,500 years. For a long period they were divided, independent, yet having institutions of their own and a conduct of their own affairs. By the time of the first European settlement, in about 1604, the general way of life of the Indians had changed very little from what it must have been throughout the pre-historic period, for many of the products of that way of life were then utilized by the newcomers.

It is recorded that in 1775 there were approximately 15,000 Micmac Indians living in Nova Scotia. At the present time the Indian population in Nova Scotia is approximately 11,000: approximately 5,000 living on 13 reserves and 6,000 living elsewhere.

Since the 1985 First Ministers' Conference on aboriginal constitutional matters, Nova Scotia has met frequently with Indian, Inuit and Métis representatives at both the provincial and national level to further the knowledge of all sides in attempting to achieve an agreeable constitutional amendment on self-government. In this regard the Nova Scotia Government has established the first Cabinet Committee on Aboriginal Affairs in Canada. In addition, Nova Scotia has recently entered into a tripartite, federal-provincial-Micmac agreement that provides for Micmac direction and administration of their own family and children's services.

Mr. Prime Minister, all Nova Scotians are gratified that we have been described as honest brokers in these negotiations. Near the close of our 1985 conference, I said that we had come to the conviction in Nova Scotia that it is time to add another dimension to nation building. To everything there is a season, and we should take the further step we can take before we adjourn this conference.

If and as it is desired, Nova Scotia is and will be available as an honest broker. We note that there are now other variants of the Nova Scotia draft and we have a further revised fourth draft, which I am pleased, as Smokey has said, the Native Council could support with some changes.

Our colleagues from Ontario have distributed a draft with variations of the Nova Scotia document. We have some concerns for some of those variants; for example, the Ontario variant may not incorporate in the area of self-government the equal rights of aboriginal women already provided for in the Constitution.

Our concern is the more acute when we see the Ontario variant sets up a new section, without a linkage to the existing provisions of the Constitution.

Our colleagues from New Brunswick have presented a document to assist our deliberations which again is a variation on the theme and the tenor of the Nova Scotia position.

We remain, Mr. Prime Minister, available to you and to all at this table to continue to assist in and participate in achieving an agreement. We look forward to meaningful discussions on all of the variations, all of the various proposals which will be put before us.

Mr. Prime Minister, the time is now. We should not allow this moment of history to go by, this historic opportunity that we have now for a successful

agreement between the Governments and the aboriginal peoples of this great country.

THE CHAIRPERSON: Thank you, Premier Buchanan. In point of fact the rolling draft which has caused us to focus very specifically on this, colleagues, came from Nova Scotia and Premier Buchanan, and I will never mention Ed Morris' name again. Thank you, Edmond, for that.

May I turn to Premier Hatfield, please.

HONOURABLE RICHARD HATFIELD (Premier of New Brunswick): Thank you, Prime Minister. It is a long journey that has brought us to this conference table. I feel that I personally have travelled much of this distance not only in terms of the number of First Ministers-aboriginal peoples conferences and ministerial meetings attended, but more importantly in respect to the effort and the evolution of the debate that brings us to this conference today.

It has been a long journey, but not one that finds me resting comfortably at our destination. I sense a considerable degree of apprehension. Governments are wary of the prospect of self-government. It is apparent in the cautious wording of proposals that have come forward. It is evident in the efforts to close loopholes, to protect interests, to be 100 per cent sure that there can be no disruption to the status quo to be confining. There seems to be a concern that if we don't nail everything down, they will take something away from us.

Much the same criticism can be made of the

aboriginal organizations. There has been, Mr. Prime Minister, a lack of trust and respect on both sides.

Not all these concerns are groundless. We are not totally convinced that the people of Canada would accept the several kinds of self-government that our aboriginal organizations want. What has brought us this distance, despite the fears and obstacles, has been the sheer persistence of the aboriginal representatives. They have been able to persuade us by their sincerity and strength of argument, not the least of which is founded on the evident failure from the colonial administrations on down to treat effectively and fairly Canada's aboriginal peoples.

In 1982 the Constitution Act recognized the aboriginal peoples as a distinct group. As the process of defining aboriginal rights has narrowed to one over-riding objective, Governments and the aboriginal leadership have held out the prospect that there would be a change that would give our aboriginal people authority over their lives, themselves.

As a participant in this process, I have been affected. My views have changed. I believe this is true of the Canadian people generally. The stage has been set and we are at the end of our five-year agenda. And we can find the common ground to demonstrate that it has not been-- this process has been not only a waste of time and money.

But we must not view action as

giving something away. We are, as a mature people, acknowledging that there is a place in this country for diversity and equality. We are coming to the realization that there is space and room in the Canadian confederation to expand, to create, to set an example.

Finding expression for this realization, we must be generous. We must not settle for the many expressions that are flawed or cluttered by words of mistrust. We do not have to be shackled by convention and precedent. We are free -- free to create a new status for the descendants or the people who were here from the beginning, a status worthy of the fact of the history, their history in Canada.

Prime Minister, we need a provision that befits a constitution of Canada, not one that reads like a Canadian Tire money-back guarantee.

I argued and pursued the debate over inherent or contingent rights. I do not want to argue that any longer. I believe we should all be seeking a declaration, a statement that establishes a true place in confederation for our aboriginal people. I am not seeking another adjective.

A constitution depends on a clear declaration. I believe that only by making this declaration, by taking this essential first step can we move on to effective and meaningful negotiation on self-government agreements. Negotiations to which the representatives of the Inuit, Indian and Métis come not as supplicants, as they

are today, but as people whose right has been recognized.

Prime Minister, I am not here from New Brunswick or as a Canadian to give up or to give in or to give away. I am not here to protect the status quo. It has not worked. I am not here to hang on to the old ways. They have been proven wrong. I am here to create, expand and to put the debate about self-government, the argument about whether or not we have self-government to an end, put it behind us.

As I said once before, it is time we stopped making progress. We have got to make something in the Constitution.

We must agree to declare the right of the aboriginal people, of the Indian, Inuit and Métis to self-government. Beginning with that declaration of self-government, the Premiers will then sit down and will be obligated, in my view, or should be obligated to sit down to work out and define self-government and only then. We cannot, in my view, do it any other way. This is the right way to do it to deal with the kind of -- to arrive at the kind of expression that we all want, all Canadians want.

I must say that the many ways it has been said that a declaration of the right must have adjectives or it is not good enough, that it must be a real new car, not an old rusty one painted over and so on.

I want to say, Prime Minister, that the declaration of a right is a great victory for people.

It may not be for those of us, and I speak from some experience, it may not be for those of us who spent a lot of time fussing about words. I did it with the Constitution of Canada, with the patriation of the Constitution. There were words like "notwithstanding" that I literally lost sleep over.

I wasted my time because the problem of "notwithstanding" which loomed so large in my mind then is not really a problem today in our Constitution or in our country. So what we must focus on is the important thing, and that is a declaration of rights. That is what is wanted. That is what is needed and that is what is possible.

Prime Minister, we have made declarations of rights with regard to the equality of men and women. In doing so, we did not take into account how much money we were going to spend or how much it was going to cost either the Government of Canada or the government of the provinces. Why can we not make a declaration of right of self-government of aboriginal people and, when we negotiate and when we define, then, and only then, will we deal with cost.

That is the way we have done it and that is the way we have made progress. Declare the right, first, and, then, define it. Again, I want to make it clear, because I have heard this, over and over again, and I have to believe it. I have to believe that is the position, and it certainly is the position that I will hold anyone to in the negotiation that follows the declaration of right of self-government, that everyone who has been involved in this has said we want to negotiate and to define the right and, then, we want it entrenched in the Constitution. They have said they do not want to go to court. I believe them. I also believe -- I would not dare say to anyone in this country, including aboriginal people, that they have no right to go to court or they must not go to court, et cetera, but we must -- I think we are safe in establishing and declaring a right of self-government and, then, moving on. Then it is going to be tough. The aboriginal people know it is going to be tough. I know it is going to be tough. But let us get on with it, because it is positive

and it is creative, and it will be an example to all of us and to the world at large. And that really is something worth all the time we spend on it.

Thank you, Prime Minister.

THE CHAIRPERSON: Colleagues, I think we readily acknowledge that the aboriginal peoples have friends and supporters among First Ministers. No one has been more consistent, more loyal or more passionate in his support of the aboriginal cause than Premier Hatfield, and I thank him again for his excellent intervention today.

May I turn to Premier Getty, please.

THE HONOURABLE DON R. GETTY, PREMIER OF Alberta: Prime Ministers, fellow Premiers, territorial leaders and aboriginal leaders, like David Peterson, Premier Ghiz and Premier Vander Zalm, this is my first attendance at a First Ministers' Conference on Aboriginal matters.

I must say I enjoyed the meeting last night and the unique style in which the meeting has been conducted today.

First, I followed, with great interest, previous meetings on this subject. Looking back, it seems to me that the Constitution Act 1982 was a landmark for aboriginal people. It affirmed existing aboriginal and treaty rights and defined aboriginal people as Indians, Inuit and Métis. I recall, with some pride, the key role played by the Alberta Government in having Métis included in the Constitution.

There was significant progress made, again

in 1983, when certain amendments to the Constitution were proclaimed. These amendments were designed to ensure aboriginals sexual equality, to provide new land claims agreements with the same constitutional protection as that provided to existing treaties, to ensure that there would be further First Ministers' Conferences to address aboriginal constitutional issues, and to affirm the principle that aboriginal people must be consulted on any future amendments affecting them. Alberta was quick to introduce a resolution in its legislature on these amendments.

I am aware too that the meetings during the past four years have heightened the awareness of federal and provincial governments and all Canadians about the circumstances of the aboriginal people and their aspirations.

In Alberta, we have taken important initiatives in an effort to work together with our native groups and communities to develop solutions to the concerns and aspirations of aboriginal people in our province.

Just before I provide the Government of Alberta's perspective on the discussions of self-government, I do want to raise an issue of concern to us. As many of you may be aware, the Prairie Treaty Nations Alliance, of which the Indian Association of Alberta is a member, maintains that the Assembly of First Nations does not represent Prairie Treaty Indians at these discussions. Whether that is so or not, the Alberta Government is of the view that our process is somewhat flawed as it excludes most of Alberta's Treaty

Indian people.

Prime Minister, we raised this issue before and I request, again, that you provide for opportunities for the Indian Association of Alberta to participate in future discussions. To illustrate the strength of their feelings, I am circulating to each participant today the statement which they have provided to us.

Now I want to focus on the matter before us: Self-government for aboriginal people. The Alberta Government is strongly committed to provide aboriginal people with the opportunity to have the major role in controlling their own affairs and to have control over their destiny. Albertans have a desire to improve the opportunities available to aboriginal people so that they are not disadvantaged in our Canadian society.

From our perspective, aboriginal self-government should also begin at the grass roots level. There are a number of practical measures that we have taken in Alberta to encourage aboriginal self-government at the community level. For example, we are currently undertaking an initiative, that is unique within Canada, to transfer officially 1.28 million acres of land to the Métis in Alberta. On June 3, 1985, the Alberta Legislature unanimously passed a resolution concerning an amendment to the Alberta Act. It committed the Government of Alberta to propose a revised Métis Betterment Act, to grant the existing 1.28 million acres of Métis settlement lands to the Métis, and to confirm this grant of lands in the Constitution of Canada. These actions will be

undertaken. We did ask, however, that they establish fair and democratic criteria for settlement membership, land allocation and the composition of governing bodies.

The Alberta Federation of Métis Settlement Associations responded positively to these initiatives. In 1986, they presented us with a document entitled, "By Means of Conferences and Negotiations We Ensure Our Rights". This document provided background and principles for new legislation and further discussions. We have been holding those discussions, between our government and the federation. We have agreed, in principle, on the fair and democratic criteria for the membership, on the land allocation and on unique and appropriate governing bodies. With regard to outstanding matters, we understand and agree with the concept of territorial integrity. We feel that this satisfies the Métis desire for this possession of their lands. We will work to come to an agreement which provides for this and also allows us to fulfill our provincial responsibilities. With good efforts on both sides, this will be concluded in 1987.

We are currently drafting the new Métis Settlement Act. This act will be developed cooperatively with the Métis settlements. We expect to table this act before the end of our current legislative session. Following enactment of this act and transfer of the land, we will then propose an amendment to the Alberta Act. That will require agreement of both the Legislative Assembly of Alberta and the Parliament of Canada, but this will confirm and protect

the grant of their settlement lands within the Constitution.

I raise this at this meeting, Prime Minister, because the example is a particularly important and unique initiative in terms of self-government, and a secure land base for the Alberta Métis people.

In addition to the 1.28 million acres on the Métis settlements, approximately 4,200 acres of land are held by six Métis co-ops in the Grand Cache area of Alberta where some 4,000 people, primarily Métis, own land as a result of a unique Alberta land tenure program.

Earlier this year, the Alberta Government signed a contract with the Métis Association of Alberta, under the leadership of Sam Sinclair, providing for development and funding of six regional offices and increased participation of Métis in forms of self-government.

But these are not the only ways in which we are encouraging aboriginal people to play a direct active role in government. As a result of the Alberta Northland School Division Act of 1983, the majority of members elected to school committees are Métis and Indian local residents. This provides them with the opportunity to participate effectively and make the decisions involving the education of their children.

Over the years, we have concluded agreements with the Blackfoot Band, the Lesser Slave Lake Indian Regional Council, most recently the Yellow Head Tribal Council, to ensure that these bands have control over the foster care of their children.

Just recently, we have concluded, with the LouisBull Band, near Wetaskiwin, Alberta, just 40 miles south of Edmonton, the establishment of a model on-reserve policing service which they control.

Furthermore, economic development opportunities are now possible for the Cree Indian Band at Fort Chippewyan in northern Alberta, as a result of the treaty land entitlement claim settled just before Christmas 1986.

This was the largest outstanding treaty land entitlement claim in Alberta. It may well have been the largest outstanding treaty entitlement claim in Canada.

Prime Minister, I mention these examples to dispel any thought that Alberta is defensive or negative or wary of the issue of self-government and to illustrate the very real progress being made in Alberta, in a practical way, to accommodate the aspirations of aboriginal people, through legislation, through programs and policies.

The aboriginal people in Alberta are increasing control over their day-to-day lives on matters important at the grass roots level: their education, their child welfare, their policing, their economic development, and on a firm land basis.

Our government does not break promises in Alberta. We do not seek to preserve the status quo, nor do we wish to remain stagnant but, rather, we are working hard for meaningful self-government for our aboriginal people. Albertans can be proud that we are not just talking about it; we are actually doing it.

So let me confirm that the Government of Alberta is committed to pursuing new and unique initiatives for self-government arrangements for Métis people. These will be enshrined in legislation. While we continue to move aggressively in this direction in Alberta, we still believe that any constitutional rights must first be defined carefully, and fully understood before they are entrenched in our Constitution.

The evolution of the Canadian political system has always involved developing a clear definition of the principles of self-government first. For example, when Alberta became a province, the rights and powers of the province had been carefully defined first through democratic debate and decision-making. Once defined, they were then constitutionally entrenched.

Entrenchment of the principle of aboriginal self-government without prior adequate definition could be a reversal of our traditional democratic process, and would also be inconsistent with Canada's historic development and our democratic practices.

Surely we should be able to accept that the people elected to Parliament, to our legislatures, working with our aboriginal people, have the responsibility to clearly define self-government. It is our responsibility; otherwise we merely invite confusion and uncertainty and then we will leave it to the courts to do our job; we will leave it to the courts to interpret the meaning of self-government.

We realize that at the national level, aboriginal groups feel they have an inherent right to self-government; that is, they believe the right has always existed, was never relinquished or extinguished.

In Alberta's opinion, constitutional entrenchment of an undefined inherent aboriginal right to self-government could lead to the establishment of a third order of government in Canada, possibly sovereign, or equal to both federal and provincial governments. How could

a country, regardless of our good intentions, cope with that situation?

I should add that we are also concerned with some federal government proposals, Mr. Prime Minister, that may be moving to divest itself of its historical relationship and obligations to the aboriginal people of Canada.

I was pleased with some comments you made in this regard last night, but it is a matter we may discuss later in the conference.

Albertans support the Indian, Inuit and Métis peoples' aspiration to have control over their own affairs, and less involvement with the bureaucracies of federal and provincial governments. In pursuing this, we have the challenge to be fair to aboriginal peoples. But, at the same time, we have to recognize that an undefined inherent aboriginal right to self-government, protected constitutionally, at the request of aboriginal groups at this table, could have a major impact on all other citizens of Alberta and Canada. It is that uncertainty, associated with the impact on the rights of all Albertans, that prevents Alberta from giving support for an undefined constitutional amendment of this type.

In conclusion, Prime Minister, I emphasize that while I have expressed concerns about the effects of a constitutional amendment, the Alberta government remains committed to self-government opportunities for aboriginal people in Alberta.

We believe that aboriginal groups should be given the authority to establish a form of self-government while clearly protected by legislation passed by either federal or provincial governments.

I believe aboriginal self-government can be realized. But we, at this table, must be flexible and innovative in our approaches. We must be alert to recognize that differences exist all across this vast country; recognize that aspirations and needs of Indians, Inuit and Métis vary.

I dedicate Alberta, our government, in a spirit of compromise -- and that compromise that has prevailed around this table, and in Canada, since Confederation -- to the commitment that we will reach methods of self-government for our aboriginal people. But we can only be one country around this table. Alberta will insist that any changes be accomplished in a way that maintains the basic, historic fabric of our Canadian system.

Thank you.

THE CHAIRPERSON: Thank you, Premier Getty, very much for your comments and the clarity of your views.

May I turn to Premier Pawley, please?

THE HONORABLE HOWARD PAWLEY, PREMIER OF MANITOBA: MR. Prime Minister, at our last major conference, the Annual First Ministers' Meeting in Vancouver, we spent much of our time discussing fairness and, particularly, the need for fair treatment for regions,

for provinces, for individuals, that may not have as much political influence as others in our community.

Today, we meet to deal with another issue of fairness, at least as important as those we talked about last fall and, certainly, at least as critical to Canada's future development. That issue is the issue of a united country dedicated to the fulfillment of our economic and social potential for all people.

Along with several others around this table, I have been a participant at every one of these ministerial meetings on aboriginal constitutional rights. We have never seen a situation where we are closer to an agreement, I believe, than that which we are at this point. I believe also that it has never been as urgent that we arrive at a decision as it is today.

If we can obtain that agreement here, Mr. Prime Minister, it will be -- as has been mentioned by other Premiers and other leaders of the aboriginal community -- an important historical achievement.

Mr. Prime Minister, I want you to know that I appreciated your comments earlier this morning. I was encouraged by the positive tone of those remarks. I understand from those remarks how important you see an agreement to be to the future of Canada.

The Government of Manitoba wants an agreement as well, as we have from the very start of this process. Without engaging in any technical drafting processes, we also have an obligation to define our position. We will

attempt to do so here, as we have in past meetings.

From what I have heard this morning, I believe that there is sufficient political will existing around this table to allow us to conclude an agreement by the time we adjourn. All of us recognize that we have a responsibility, a moral responsibility, a constitutional responsibility, to ensure that the aboriginal people gain control over the fundamental issues that affect their lives and the futures of themselves and their children.

We face what some have described as a leap of faith. No doubt the right of self-government will necessarily affect existing jurisdictions, existing institutions.

I submit, Mr. Prime Minister, that the effect is far less than the consequences of failure.

An agreement on self-government here won't mean an overnight change in the lives of our native Canadians. No one has suggested that it will. But it will mean that the light of hope will not go out. It will mean that expectations can remain high and can go higher.

We, in Manitoba, with our high percentage of native residents, know, at first hand, how great the disparities are between the day-to-day lives of aboriginal peoples and non-aboriginal peoples.

The statistics fail to tell the true story. But we can see some of the evidence before us: in the chronically high unemployment rates; in the cruelly high mortality rates, especially infant mortality; in the

disproportionate high rates of involvement which takes place with the court system; in the income statistics; the poverty statistics, all which follow from disparity and dependency.

We also see the evidence in the massive influx of native people to our cities, to our towns, within the prairie region; an influx borne of hope and of promise, but which, unfortunately, Mr. Prime Minister, largely ends up in despair and in anger on the part of aboriginal peoples.

Against this background, let me once more present Manitoba's basic position:

On March 15, 1983 during the first of these meetings I tabled a Statement of Principles on behalf of the Province of Manitoba which, among other things, enunciated five principles which remain at the heart of Manitoba's position today:

The rights of Canada's aboriginal people include the right to self-government.

The right should now be further developed within the context of the Constitution of Canada.

The inclusion of that right as a specifically defined right within the Constitution should not derogate from other rights enjoyed by the aboriginal people.

The federal government has a special relationship to Canada's aboriginal people including primary fiscal responsibility.

It is essential that sufficient fiscal resources be made available to the aboriginal people and to the aboriginal institutions of self-government as may be required to provide services reasonably comparable to those available to Canadians generally, taking into account the special social, the cultural, the economic needs of these people.

We are gratified to note that, essentially, these principles are those which now constitute the central discussion points around which, we are confident,

a consensus constitutional amendment can be drafted.

Above all it is important at this juncture to emphasize the right of Canada's aboriginal people to self-government.

It is an undeniable fact that Indian and Inuit people were self-governing prior to European settlement, and that the Metis developed institutions of self-government on the Prairies prior to the entry of western provinces into Confederation, as was mentioned earlier this morning by Yvon Dumont.

The right of self-government has never been extinguished either by consent or by conquest and in any event should now be articulated within the Constitution of Canada.

The importance of self-government however goes well beyond a matter of recognizing historical significance. Clearly it is the key step in creating the conditions which will liberate Canada's aboriginal peoples from the remaining vestiges of colonialism, and from the continuing shame of economic and of social inequality.

In the context of the above remarks let me state Manitoba's position with respect to the various drafts around which, as I have said, our consensus at this Conference can be built.

A constitutional amendment in our view ought to include the following:

(1) An explicit and free-standing statement that the aboriginal people of Canada have the right to self-government.

(2) A commitment to negotiate the specific contents of the various self-government arrangements which, it is generally agreed, must be sufficiently individualized to meet particular needs. Such a constitutionalized commitment should include a statement concerning issues which can be included in negotiations as circumstances might warrant. Negotiable issues include land, resources, fiscal arrangements, jurisdictional issues, cultural and linguistic guarantees and equity of access.

(3) An unequivocal statement of the role of the principal parties, namely, the aboriginal organizations, the federal government, the territorial governments, the provincial governments both within the negotiations and in the constitutionalization of self-government. The constitutional enunciation of the roles of the parties should recognize the following:

(A) The possibility of bi-lateral agreements.

(B) The possibility of developing institutions of self-government through such instruments as land claims agreements and the treaty process.

(C) A specific role for a province or territory both within the negotiations and ultimately in the constitutionalization of agreements when any of the constitutionally defined responsibilities of the province or of the territory are likely to be affected by such agreements.

(4) A non-derogation clause which, although necessarily stated in broad terms should not constitute a barrier to the novel arrangements which may be necessary to further develop the right of self-government within the Canadian Constitution in order to meet present day needs.

(5) A fiscal arrangements and resourcing clause which recognizes the following principles:

(A) The primary, although not the exclusive, responsibility of a federal government.

(B) The need to guarantee to Canada's aboriginal people wherever situated a level of services reasonably comparable to those available to Canadians generally, taking into account their special social, cultural and economic needs.

(C) The need to base the resourcing of aboriginal self-governing entities on a block funding or fiscal transfer arrangement.

With respect to the entire question of fiscal and resourcing provisions we recognize the complexity of weaving new formulas into the existing web of federal-provincial-territorial fiscal arrangements.

Nevertheless, a constitutional amendment should contain a strong general clause which lays the basis for subsequent negotiations. Consideration should be given to negotiating many of the specific issues related to fiscal arrangements, to resourcing, to compensation in a political accord.

Mr. Prime Minister, in conclusion, we

have an opportunity at this conference, the third such conference, to succeed. I believe, Mr. Prime Minister, we can move down that road to success at this conference. That road will be an historic road for the aboriginal peoples and for Canadians everywhere, an opportunity for us if we are prepared to grasp the opportunity, to restore to the aboriginal people that which belongs to them not just legally but morally. Above all, to restore to the aboriginal peoples of this country some dignity, some sense of control over their own destinies, not just for themselves, but for their children and, Mr. Prime Minister, for their children's children. Thank you.

THE CHAIRPERSON: Thank you, Premier Pawley, for your remarks and for the participation of your officials, particularly your Attorney General throughout this process in such a helpful manner.

It is past one o'clock. We are behind schedule. There is a fact of life here in Ottawa that if you do not feed the media by 1:15 all hell breaks loose. While we could keep on going, I doubt if the rest would.

We have just about hit half way in terms of First Ministers. No one will take offence, I think, if we repair to the hotel for an hour and a half where we have a luncheon meeting, all of us together, the First Ministers and leaders.

May I suggest that we break until 2:30 and come back with the First Ministers and territorial leaders. Thank you very much. Bon appétit!

--- RECESS/ -----?

FIRST MINISTERS' CONFERENCE
ON ABORIGINAL CONSTITUTIONAL MATTERS

CONFÉRENCE DES PREMIERS MINISTRES
SUR LES QUESTIONS CONSTITUTIONNELLES
INTERESSANT LES AUTOCHTONES

VERBATIM TRANSCRIPT

(unrevised)

Afternoon Session of
March 26, 1987

COMPTE RENDU TEXTUEL

(non révisé)

Séance de l'après-midi
du 26 mars 1987

--- 2:45 p.m. / 14h45

LE PRESIDENT: Nous allons commencer cet après-midi avec le Premier ministre de l'Ile-du-Prince-Edouard, the Honourable Joe Ghiz.

HONOURABLE JOSEPH GHIZ, PREMIER OF PRINCE EDWARD ISLAND: Prime Minister, I am honoured to join you, other First Ministers and the territorial governments, with representatives of the aboriginal peoples of Canada, to consider amendments to the Constitution. It is a task that the Government and the people of Prince Edward Island would like to see completed and completed at this conference for some reasons which we in Canada's smallest province can readily identify.

We have in common with aboriginal peoples disadvantages related to population, influence in the country's major institutions and inadequate resources to meet the employment and income needs of an expanding population, as well as financing for services such as education, health and transportation.

To overcome these, the Constitution offers some protection to Prince Edward Island in dealing with the institutions and partners of Confederation.

I am, therefore, supportive of the idea that the Constitution of Canada, which already recognizes aboriginal and treaty rights, should be amended to enable aboriginal peoples to deal in a

more effective manner with the federal and provincial governments in matters which concern their future.

Mr. Chairman, all governments in Canada would agree with aboriginal people, on the basis of considerable evidence, that the status quo is unacceptable. This is reinforced by the views of a large segment of the non-aboriginal population that the role of governments in the lives of native peoples leaves a lot to be desired.

The causes of the conditions which make life unacceptable for most aboriginal people are, indeed, complex. I accept that. Some causes are to be laid at the feet of government; some are not. However, there is one fundamental and basic cause which, I think, stands out above others, and that is that aboriginal people have an inadequate level of control over their own affairs. I think the average person in Canada knows this, and there is nothing mysterious about it.

The people of Canada are justifiably concerned about the unacceptable conditions faced by many native people, whether it is unemployment, infant mortality, high levels of incarceration, education levels, and so on.

I am fully convinced that the missing ingredient in dealing with aspects of life in native communities is not money or technical know-how. Rather, it is the degree of control and effective responsibility in the hands of aboriginal peoples themselves.

The challenge for us at this table is to agree on those changes in the Constitution necessary and adequate for redefining the basic relationships between the federal and provincial governments and the aboriginal peoples. I am not suggesting that a constitutional amendment recognizing a form of aboriginal self-government will by itself be a sufficient means to redress unacceptable economic or social conditions but, on the other hand, I am convinced that such a move is a necessary first step. The Province of Prince Edward Island has a place and role defined in the Constitution, but we still have a variety of social and economic problems to cope with. However, we are better able to deal with them because, in the Constitution, we are the government closest to the people and through the Constitution there is a recognition of our resource needs.

Mr. Chairman, I am prepared to support the constitutional entrenchment of the explicit right and the entrenchment of self-government arrangements arrived at through negotiation which will ensure that aboriginal peoples, on reserves and in communities where it is feasible, have services and institutions that are close to them. Ideally, that means institutions and services designed, directed and representative of the people, to deal with their culture, language, social and family life, economic and resource development, and education. In practice, these arrangements will have to reflect the realities of available resources, realistic numbers of people served by units of government and a manageable number of self-government agreements. Nevertheless,

in theory and in practice something can be done and something must be done.

Mr. Chairman, I want at this time to pay tribute to First Ministers who, over a number of years, have expanded their understanding and acceptance of what is before us: That aboriginal peoples, for a number of reasons, have to become more involved in the institutions of their government and the services it provides. I could make a comparison with another kind of understanding and growth. Thanks in large measure to the leadership and institutions of the central government, all governments and their peoples are more supportive of the reality of a multicultural society. As a Canadian I feel justifiably proud that we have a society that sees cultural diversity as a source of unique strength and that actively supports languages and forms of cultural expression. Surely our society must extend an even greater cultural sensitivity and support to the aboriginal people of Canada. In the past, many well-intentioned people were responsible for measures which were, in effect, forms of assimilation of native peoples. It is not enough to simply avoid actions or tactics which are in fact, or appear to be, threatening to the social and economic survival of Canada's first peoples. Our country must, in a conscious and positive way, support the development of distinct native societies, ultimately, through the Constitution.

I have a rather pragmatic approach to the issue: I want to achieve what is achievable. That is

why I do not see practical benefits at the community level of postponing action while trying to resolve the debate over the nature of the self-government right. I am not saying that the nature of the self-government right is not important or not significant to representatives of aboriginal people or to the federal and provincial governments, but to use a comparison, Canadians were not in control of their constitutional base until quite recently, but that did not prevent us, psychologically or otherwise, from undertaking or, indeed, completing achievements to rival any in the world.

In the present undertaking, the requirement for progress in self-government is so pressing that a phased approach may have to be considered, such that the issue of the basis for self-government is addressed in the Constitution after there are working models of self-government arrangements in place and their effects on existing levels of government are known. Indeed, I think an argument could be made that to exhaust the goodwill and energies of all parties in trying to enunciate the nature of the right could be counterproductive and prevent us from achieving effectively that which we know can be done and must be done.

Prince Edward Island is, therefore, supportive of providing the maximum assurance in the Constitution that negotiations will be undertaken and, upon successful conclusion, given constitutional protection as agreements, and that existing rights will not be threatened or diminished in the negotiation process.

Mr. Chairman, there is a variety of circumstances covered by the phrase "aboriginal self-government", reflecting people with a land base and those without a land base, those having accepted treaty and those without treaty, those having status under the Indian Act and those without status, those in identifiable communities and those distributed in the population at large. It is, therefore, imperative that what is undertaken in a constitutional amendment be clear and understood.

Ambiguity and uncertainty must be avoided as much as possible. The task before governments under the best of circumstances is, therefore, a formidable one -- even the commitment to undertake rather open-ended negotiations. When governments commit themselves to such an undertaking in the Constitution, or even in a political accord, it will be as a result of deliberation and the acceptance of a certain level of risk. I am prepared to accept that risk if it can be dealt with in a negotiation process and if that process is based upon ground rules that are reasonably clear.

If progress is to be made in any substantial way, it is of the utmost importance that the federal government indicate clearly its readiness to assume primary financial responsibility for all aboriginal peoples. This should be without reference to the statutory, legal or policy basis which have intervened to redefine or limit Section 91(24) of the B.N.A Act, federal responsibility for Indians and lands reserved for the Indians. This is a matter of constitutional principle, as well as financial obligation,

touching the basic distribution of powers, which must be respected in the interests of aboriginal people as well as those of the provinces.

This is not to say that a province like Prince Edward Island, depending heavily on equalization and other forms of transfer payments, will not continue what it is doing now in support of its aboriginal people. Indeed, it would be my wish to expand provincial programs and modify others, within our capacity to do so. This is because we want to provide a more appropriate and sensitive response to the special needs of the aboriginal people who are not now on reserves. We have discussions already under way on adjustments to provincial services in areas of family strengthening, the justice system and economic development, and we are willing to continue these on a bilateral basis. However, in the wider context of self-government arrangements in the Constitution we need a commitment from the federal government that it assumes primary financial responsibility. In addition, present arrangements for equalization payments to provinces must not be adjusted to cover federal obligations already identified in the Constitution.

The Constitution Act of 1982 provides clarity in saying that the aboriginal people includes Indian, Inuit and Métis peoples. I am of the firm view that the aims of social justice, as well as the welfare of large segments of the population, would be better served if the benefits of self-government arrangements would be made available, as circumstances dictate, to all categories of aboriginal peoples.

Mr. Chairman, I feel that it is appropriate for me to acknowledge the position taken by the Micmac Chiefs in Prince Edward Island as it reinforces what I have already said about federal constitutional obligations. The Chiefs have said:

"The Abegweit and Lennox Island Band Councils who represent all status Indians of P.E.I. have stated that bilateral talks with the federal Crown should be held separate from any talks with the provincial governments. The federal government representing the federal Crown is the only body that the Micmacs of P.E.I. are prepared to discuss issues related to aboriginal rights, because all our treaties were made with the British and Canadian Crown."

I respect that view, aggressively in this view, and I want to assure the status Indians of Prince Edward Island that I am at this table, not as their spokesperson, nor as a threat to their rights, quite the contrary. But, because the issue is constitutional amendment, on that basis I am pleased to be here to support change for the better.

Mr. Chairman, we at this table have an historic opportunity, we have an opportunity to right past wrongs, we have an opportunity for a constitutional amendment that will mean that Canada is in fact a beacon to the world because it will have been the first country to address this problem in a constitutional way. It will demonstrate our compassion for our fellow citizens, our understanding for the rights of others. It will demonstrate our desire that all Canadians, indigenous or non-indigenous, feel at home in this great country of Canada, and that all Canadians, indigenous or non-indigenous, can have hope and opportunity to fulfill their destiny.

We cannot fail in this constitutional attempt. To fail will be to let down, not only our children, but our children's children. I am also of the view that a negotiated constitutional amendment means that everyone to the process cannot have 100 per cent of what they are looking for. A compromise must be reached. A good compromise, I am taught, is a compromise in which all the people at the table leave less than happy. My instinct tells me that we will not get an agreement if everyone sticks to their fundamental 100 per

cent position. That is why we must compromise. We owe it to other Canadians.

And I would like to advance an idea here, Prime Minister, that I mentioned over lunch. I know there are some Premiers who are somewhat timid about the risk that we are taking. I know that there are some aboriginal leaders who are less than happy with the positions advanced by some of the provinces. That is why, Mr. Chairman, I would suggest that we build a sunset clause into any constitutional amendment that would allow us to come back to this table, in five, six or seven years, and evaluate the process, evaluate what we have done, and give the aboriginal peoples and the provinces and the federal government and the territorial governments the right to adjust something if we have not done it 100 per cent right today.

Thank you very much, Mr. Prime Minister.

THE CHAIRPERSON: Thank you very much, Mr. Premier, for your good words and the views of Prince Edward Islanders on this very important issue.

May I turn to the distinguished Premier of British Columbia.

THE HONOURABLE WILLIAM N. VANDER ZALM,
PREMIER OF BRITISH COLUMBIA: Thank you, Mr. Prime Minister.

I believe that perhaps I am the only non-native-born Canadian at the table. I came from Holland in 1947 and I recall the liberation in 1945 by the Canadian

soldiers, amongst them many native Indians. And we will always be grateful to all Canadians and to the native Indians, and God bless those that returned and God bless those that did not return.

I also want to bid a welcome to the native people, especially those who travelled from far away British Columbia. It is a big country. Even by today's methods of travel, it is a long trip. No one knows better than I do now, as I have travelled here quite often, and I might say I too have often suffered the frustration of leaving with less than what I sought or came to seek. But I keep coming.

B.C. is most affected by the size of this country, by the geography and by the distance. And, again, B.C. is most affected by what we have come to discuss today.

Nova Scotia has thirteen Indian bands and New Brunswick has fifteen. By contrast, British Columbia has a hundred and ninety-seven Indian bands or one-third of all the bands in Canada.

Nova Scotia has thirty-eight Indian reserves and New Brunswick has twenty-five. By contrast, British Columbia has sixteen hundred and twenty-eight reserves or 72 per cent of all the reserves in Canada. Now, I admit that some of the B.C. reserves are small in area, but, nonetheless, there are at least three hundred and fifty separate native communities in British Columbia.

If the amendments we are discussing were to go forward today, the Government of British Columbia

would be constitutionally forced to negotiate self-government agreements with each and every one of these communities.

So, although provinces are equal at this table, and that is the way it should be, the impact of a constitutional amendment would not be equally spread across the country. I repeat the input would fall very heavily on my province, and I would ask my colleagues here to take this into consideration.

British Columbia favours better economic opportunities for our native people. We favour better educational opportunities. We favour improved health services. We favour better social services provided to the native people by native people. We favour maintaining the native culture. British Columbia favours the opportunity for the aboriginal people to take into their own hands the management and conduct of their affairs on band lands. To this end, I refer to the Sechelt Indian Band's quest for a form of self-government.

Earlier this month, my government introduced into the legislature the Sechelt Indian Government District Enabling Act, which dovetails, Mr. Chairman, with the recently passed federal legislation dealing with the Sechelt Band.

Under the Sechelt arrangement, the federal act transferred the ownership of band lands from the federal government to the band, and provided for a band constitution. It also enabled the band council to make laws on a wide range of subjects. The provincial bill

will recognize the band council as the governing body and ensure that various provincial laws and benefits, that normally apply to local governments, apply to that government, as appropriate.

British Columbia has consistently supported initiatives such as this that show that a form of native self-government can be achieved.

Consider also these provincial initiatives.

In the past three years, the Province of British Columbia has turned over 13 thousand acres of land, valued at \$101 million, and paid out \$3.2 million in cash to nine Indian bands as settlement for lands improperly taken 70 years ago.

Last week, the British Columbia Government suspended logging permits within the boundaries proposed by the federal government for a national park on South Moresby, and is seeking alternative logging sites outside of those boundaries.

A successful timber company, owned by one Indian band, was awarded a tree farm licence by the province in 1982.

Two forest licences have also been issued to Indian bands, and approximately twenty wood-lot licences have been issued to individual native contractors.

One tribal council has just arranged with the Ministry of Social Services to assume responsibility for child welfare services to thirteen Indian bands, and will carry out family and community services such as child

care.

The Ministry of Education has established a school district in northern British Columbia, with an all native Indian board of school trustees and superintendent of schools. Fifty-five of British Columbia's seventy-five school districts offer Indian education programs, including instruction in more than twenty native languages and the development of native curriculum reflecting virtually all of the linguistic cultural groups in the province.

In the past seventeen years, the British Columbia Government has distributed approximately \$34 million to our first citizens from interest generated by a \$25 million perpetual fund set up to support their education, economic and social development and culture.

As I have said, the issues surrounding native rights are important ones and must continue to be addressed.

Our aboriginal people are, of course, already entitled to the provisions of the Constitution, as provided for in section 36. Specifically, this section entitles all people to equalization and other moneys from the federal government.

The self-government proposal now before us states that nothing derogates from existing rights or benefits. I assume that would mean a continuation of on-reserve native Indians being exempt from taxes and a greater freedom to hunt and fish. Self-government, as proposed, I see to mean many relatively small new nations -- B.C. theoretically could have 350 -- not subject to

federal or provincial taxes, but still enjoying the rights specifically granted them, plus all other rights available to other Canadians. Will this lead to more, bigger and expensive bureaucracies? Can we afford this? I heard mention, by one of my colleagues, that we really should not worry about the money, that we should settle that some time afterwards. But, then, I have also heard it said that, whatever we do, it should not come from those funds that might be allocated for regional disparities. And I have to ask: Who will pay and where will the money come from?

What responsibilities will accompany this new government? Will it divide us further?

Last night, I prayed for wisdom and thoughtfulness -- a pretty tall order -- but I thought all night, and I could not sleep. I thought about the weeks and the months, as we prepared for this meeting. I thought about a beautiful visit, last summer, with Lillian, when we spent a few days with the people of Kingcome Village. I thought about all this because the decision we are asked to make today is momentous and may be forever. No decision is a set back. The wrong decision could be disastrous. Disastrous to the native people, disastrous to the rest of Canada, but, most especially, to future Canadians who would live and pay for the consequences.

In Canada, our diversity is said to be our strength, but we know it is often also our weakness. If we divide, if we become strangers in our own home, if because of distance, more boundaries or borders, more

varied rules or laws, more government and more bureaucracy, we become less understanding of one another instead or more, we will all suffer economically. We will suffer morally and spiritually. We will fail as a nation and, instead, become a lot of "what's in it for me" or "what's in it for us as a special group", instead of "what is it or what is in it for us as Canadians united".

We must find a way to help the people of Kingcome and all other native communities in this great nation of ours.

In Kingcome I saw schools second to none. It had super students, great teachers, and above all, a fantastic spirit. But not every native community is so fortunate. In Kingcome I learned more about their culture as I participated in a Potlatch. The festivity was wonderful and, again, the spirit was enormously touching and positive. But not every native community enjoys this opportunity.

In Kingcome they teach the native language to help maintain identity and pride. Not every native community enjoys that. In Kingcome they show off their sawmill with pride. It provides jobs for native loggers and sawyers, keeping them away from having to depend on state welfare. Not every native community is so fortunate.

In Kingcome they would probably, like in many other native communities, want to be freed of the Indian Act and better develop their own future. They are capable of it and have proven this. We owe it to them to make it happen and to make it happen elsewhere.

Last night we listened to some eloquent speeches and, again, today. Mr. Georges Erasmus spoke of the spiritual attachment to land. I don't presume to fully understand exactly what this means, but I guess it means in a God-loving, God-fearing way, appreciate that God brought his ancestors to the lands to hunt, to fish,

to live, and to provide. But God's time is a long time. Maybe it was meant to be shared in some ways; shared fairly. Things change.

Under the laws, as we see them today, ownership of land really is a form of sharing. We can't use it as we want to. The community dictates how we use it: what we can deposit on the land and what not and how; whether we can dig a well and drink the water from it; build a house and how; to cut a tree or not to cut; to hunt or to fish or to not hunt or fish. We pay taxes for that. If we don't, we lose that share of the land that we thought to be ours.

It's today a matter of sharing. In effect, we need to view things as they are today.

Jim Sinclair spoke about the devastation from alcohol and welfare dependency. He said it extremely well. It must be changed. We have it within our means to change that.

Smokey Bruyère said native Indian nations cannot operate under federal or provincial laws but must have their own laws. If the laws are wrong, let's work to change those laws.

Mr. Prime Minister, I and my province commit to expand the opportunities for self-government as provided the Sechelt Band. We commit to expanding educational, health, social service and economic development opportunities.

My government recognizes that the Fathers of Confederation divided all powers to govern between the

federal and provincial governments. My government cannot commit to self-government as proposed by the AFN or its entrenchment in the Constitution.

THE CHAIRPERSON: Thank you, Mr. Premier.

May I turn from one end of the country to the other: Newfoundland and Labrador and the Honourable Brian Peckford.

HONORABLE BRIAN PECKFORD, PERMIER OF NEWFOUNDLAND AND LABRADOR: Thank you Prime Minister, Premiers, and leaders, I am pleased to be here today to participate in this historic conference to discuss the right of the aboriginal peoples of Canada to self-government.

Around this table we share the rare opportunity of entrenching in the Constitution of Canada a path to greater self-reliance among the aboriginal peoples of Canada. I sincerely hope that we are able to grasp this opportunity. By doing so, we will provide everlasting benefits, not only to aboriginal peoples, but to all Canadians.

I understand that the discussions by the ministers that have preceded this conference have been vigorous and exhaustive. I am also aware that there is a considerable gap in the approach to a self-government amendment that would be recommended by government ministers as opposed to aboriginal leaders. I sincerely hope that through frank discussion over the next few hours, and tomorrow, **and** a willingness to compromise, we will be able to close this gap and put something meaningful in the

Constitution.

We have participated actively and listened closely to the discussions around this table since 1983. We have done so from the perspective of a province which has a unique history too, insofar as native peoples are involved.

Unlike most regions of the country, there are no treaties with aboriginal peoples in Newfoundland. Native peoples in Newfoundland and Labrador have never been segregated from other citizens, either by provincial policy or legislation. It is only now that negotiations are taking place towards the creation of the very first reserve in the province. Native peoples have always enjoyed a full franchise with other Newfoundlanders and Labradorians. In short, aboriginal peoples in Newfoundland have always been regarded and treated as full and equal citizens by the government and the people of the province.

I refer to these unique circumstances by way of introduction, not to defend the past, but to convey to you the frame of reference from which Newfoundland has entered into these discussions. I hope that participants around this table will appreciate that given this unique history, Newfoundland necessarily has approached these discussions with perhaps a little more caution and apprehension than some of our other provincial colleagues.

We have been reluctant to embrace a concept which may imply dividing existing communities along ethnic lines. Our sincere wish is that this will not be an inevitable result of self-government arrangements for aboriginal peoples in Newfoundland and Labrador.

We have learned a great deal from these self-government discussions. We have learned of the diversity of circumstances under which aboriginal Canadians live, and of the common aspirations which many aboriginal peoples share. We now have a better understanding of their goals and aspirations and how self-government is perceived as contributing to the achievement of these aspirations.

We appreciate that native peoples wish to be economically self-reliant and want the ability to preserve and enhance their unique culture, languages and traditions. We are not fearful of these legitimate aspirations and will work closely with the aboriginal people of our province to shape the new institutions that can fulfill these functions.

Since these discussions began, Newfoundland has moved a considerable distance in its appreciation and support for an aboriginal right to self-government. In 1985, we announced that we would support a constitutional amendment to recognize and give constitutional protection to the rights of aboriginal peoples to self-government.

We went farther than most governments to say that we were prepared to entrench a constitutional commitment to negotiate self-government institutions. We reaffirmed that we were prepared to negotiate land claims settlements with the Inuit and Innu of Labrador, and would constitutionally entrench these land claims agreements as if they were modern treaties. For a province which has

traditionally no experience with ethnic-based institutions, I believe we have moved some distance.

I am aware that the role of the courts in creating self-government institutions has been a central issue which has prevented governments and aboriginal organizations from reaching a consensus on a self-government amendment. I am aware that some aboriginal leaders believe that the right to self-government is an inherent and existing right, and that a constitutional amendment must provide a role for the courts in enforcing the implementation of this right. I am also aware, however, that most governments around this table have not shared this view, but beyond this, I wish aboriginal leaders to reflect on how the existing governments within Canada and their division of powers were created.

The existing political and government structures of Canada are not a creation of the judiciary, neither is this an appropriate route to the creation of a new political institution. I would ask aboriginal leaders to carefully reflect on whether their aspirations for a new future can possibly be met by court judgments.

In raising these questions, I do not ask aboriginal peoples to abandon entirely their legitimate use of the courts to protect existing aboriginal rights. And indeed, if the right to self-government is an existing right, the courts will surely find this to be the case in interpreting Section 35(1) of the Constitution. But while the jury is out on this legal question, let us today

try to find a political accomodation that will allow us to move forward with the political negotiations necessary to establish on the ground self-government institutions.

Newfoundland continues to support a constitutional amendment to provide for an aboriginal right to self-government. A fundamental principle underlining this support, however, is that self-government institutions must be created through a political process. It is only governments working with aboriginal representatives that can legitimately discharge the responsibility of creating new political institutions. We do not believe that this bold new venture and responsibility should be relegated to the courts.

I would like to turn now in some detail to the orientation which Newfoundland brings to these discussions on a constitutional amendment on self-government.

We believe that consensus can emerge on a constitutional amendment which would recognize the right of aboriginal peoples to self-government where that right is set out in negotiated agreements approved by Parliament and the legislature of the province in which particular aboriginal peoples reside.

This has been described as the contingent approach. I prefer to characterize it as the pragmatic approach. By this I mean that this amendment would provide for political negotiations to establish self-government institutions that are appropriate to the widely varying circumstances in which aboriginal peoples across Canada

find themselves in, as well as the widely different circumstances aboriginal peoples find themselves in within the provinces. This approach would provide for self-government arrangements that are tailor made to the unique historic, social and geographic circumstances of aboriginal communities throughout this country.

This approach would not encourage a uniform and inflexible form of self-government that could be imposed throughout the country, regardless of its appropriateness to particular communities. It would not oblige the courts to take responsibility from matters which are most appropriately resolved through the political process. But it would allow us to get on with the pragmatic job of creating self-government institutions that meet the legitimate needs and aspirations of aboriginal peoples.

I understand that one reservation that aboriginal leaders have with the above approach is that governments may not maintain the political commitment necessary to negotiate self-government agreements with aboriginal communities. This is why my government was prepared in 1985 to go the extra step of including a commitment to enter into negotiations in the highest law of the land, the Constitution of Canada.

I am pleased to reaffirm our support for a constitutional commitment to negotiate today. We think that this would allay any doubts that governments are firmly committed to entering into negotiations on self-government agreements with aboriginal peoples.

When we discuss the commitment to negotiate, we must also consider the role of provincial governments in creating self-government institutions. I am aware that some aboriginal organizations do not feel that provincial governments need to be involved in the negotiation or creation of all aboriginal governments.

I find this notion very difficult to understand. I believe that provincial governments should, at minimum, have the option of participating in self-government negotiations. There may be circumstances where the aspirations of aboriginal peoples will be so narrow that the province will not need to be involved. In saying this, I am thinking primarily of on-reserve Indians who may wish only to exercise greater autonomy in managing some of the affairs that are currently managed by the federal government. But we have been clearly told by aboriginal leaders that the aspirations of their communities go much farther than this. Therefore, we would like to retain the option of participating in all self-government negotiations pertaining to the native peoples of Newfoundland and Labrador.

With respect to the constitutional entrenchment of newly created self-government institutions, I hold a very strong view. We are quite prepared to give self-government agreements constitutional protection, so that these agreements cannot be changed without the consent of aboriginal peoples.

In doing so, however, we firmly maintain

that provinces must be involved in the process of constitutional entrenchment. We are talking about creating new orders of government which, whatever their scope of powers, will be protected by the Constitution from unilateral change. The institutions and legislative powers of aboriginal governments will be immune from change in the same way as provincial and federal governments are currently protected from unilateral change. These new orders of government must therefore meet with the approval of existing provincial governments.

Surely aboriginal leaders would not ask the Canadian peoples to assent to a redrafting of the national political structure without involving local political representation. I think that my electorate would consider me irresponsible if the Government of Newfoundland and Labrador were not to participate actively in the creation of new governmental institutions in our province. I think that the federal support for provincial involvement in the constitutionalization of self-government agreements is, in part, a reflection that they too recognize this reality.

While the self-government amendment which we support provides for the definition of specific self-government arrangements through negotiated agreements, we are not asking aboriginal peoples to compromise their legal view that the right to self-government is already contained in Section 35(1) of the Constitution. This is why Newfoundland supports a non-derogation clause that would guarantee that a

constitutional amendment which will allow the political negotiation of self-government arrangements shall not in any way abrogate or derogate from any existing aboriginal or treaty rights.

This clause would permit aboriginal peoples to pursue practical negotiations to establish self-government institutions while retaining the right to go to the courts at any time on the argument of an inherent and existing right to self-government.

I have tried to enunciate the fundamental principles that will guide Newfoundland's participation in these discussions. I think that Canadians will find these principles defensible and reasonable. I would hope that aboriginal leaders around this table will view them in the same way.

I am aware that aboriginal leaders too have strong attachments to the principles that they bring to this conference today. While I am hopeful that we can reach agreement on an acceptable self-government amendment, I am cognizant that their aspirations will not be diminished by a failure to reach agreement.

In this respect, I wish to take this opportunity to reassure the Inuit and Innu of Labrador that my government stands by its earlier commitment to negotiate land claims settlements. The outcome of this conference will not affect our commitment to entrench land claims agreements under Section 35(3) of the Constitution. Many of the aspirations relevant to self-government can

find resolution through that forum.

I believe that a self-government amendment is possible during this conference. In my view, the entrenchment of a pragmatic approach to self-government will represent a significant step forward in building unique aboriginal institutions in Canadian society.

The Government of Newfoundland and Labrador is prepared to consider any proposals that address our fundamental principle that a political process, rather than courts, must create aboriginal governments, and I look forward to participating in discussions which can crystalize such an approach.

Mr. Prime Minister and leaders, Premiers, let me say one other thing. I say it very seriously. I listened, as did all the Premiers and all the other leaders and the Prime Minister, we all listened to one another last evening. We have a unique society in Newfoundland and Labrador. We have been around for a long while. My ancestors came to Newfoundland in 1791 and lived on the rocks of Fogo Island.

After serving as a colony and later as a Dominion in the British Commonwealth, and having our own governmental institutions and a representative Assembly in 1832, and to a responsible Assembly in 1855 and rejecting Confederation in 1869 in a general election, and later to 1932 and the Depression where we lost our franchise and were governed by a Commission from London, and then later freely, 51 to 49 per cent accepted Confederation in 1949.

We have through all of that process, and I say this as I said it to the aboriginal leaders last night, and I mean what I say because I am a product of it. We had powers on pieces of paper. Until 1791 there was a law that said we were not allowed to live there and we were arrested.

We had powers out of our Legislative Assembly of 1832 and 1855. We had all kinds of agreements and powers and general powers, and then we joined Confederation. That was 1949 and this is 1987. Our per capita earned income today is almost the same as it was in 1949.

As I said to the aboriginal leaders and I want to say it again primarily to the supporters and members of the aboriginal organizations, if I had it to do all over again and I was not seven years old, but 44 like I am now and I was a part of the Confederation movement in 1948 and 1949, I do not know whether I would have gone for general powers.

The nature of any large complex society like Canada's, the general principles and powers will be interpreted from time to time based upon the collective attitude that the courts from time to time see evident in that society. Whilst from a general point of view, because I have seen the polls too, it is true, thankfully, that the majority of people in Canada want to see the aboriginal peoples and hopefully the people of Newfoundland and Labrador too be more self-reliant, we are a welfare society today just like the aboriginal peoples are, and in some cases worse.

Yet, you look up to me, because I have provincial status. I am not sure whether those general powers ten, fifteen or twenty years from now will be interpreted by the courts the same way they would be today if you went to the courts. I am not sure you are being as smart as you think you are being.

If I was around at Confederation time, I quite likely would have advocated for Confederation,

but I would have wanted it more specific in the Constitution and in the terms of union with Canada than we have it today.

We cannot transmit hydro power, but every other province can transmit oil and gas. We are losing \$600 million or \$700 million a year. We settled on an Atlantic Accord which did not give us the same powers that Alberta, Saskatchewan and Manitoba have over their oil and gas resources. We do not have jurisdiction over our fishery.

I am not so sure, speaking frankly and honestly, that if I was a leader of an aboriginal group, which I almost feel like I am, there might not be as many languages, Mr. Vander Zalm, aboriginal languages in Newfoundland as there is in British Columbia, but I can take you to parts of Newfoundland which say they speak English but you will not understand them.

I am not so sure that if I was a leader of an aboriginal group in Canada today, I would have my severe doubts about going the route that you are going, and that what I am proposing in no way, as I say we will commit to negotiate in the Constitution. We will force ourselves to sit down and negotiate out and there will be a difference between the Innu in Chessachique, Davis Inlet and the Inuit in Nane.

There may be a difference in the Inuit in Nane and the Inuit in Rigolet, and that is going

to be different from the self-governing agreements for the Federation of Newfoundland Indians, vis-a-vis Port-aux-Port Peninsula and Glenwood within the province.

I hope my words do not come back. I want them recorded, because I think there is a good 75 per cent chance they are going to come back to be right. I would urge the aboriginal leaders to consider carefully the nature of it -- I know it. I have been through it. You are always going to be small and you are always going to be dispersed. My view would be that your interests may quite likely be better served the more specific that you can make Brian Peckford in Newfoundland and Don Getty in Alberta and then entrench that into the Constitution, you are sure you have got something that can never be changed.

If it remains general and referenced to appointed people, over time this world is moving, it is becoming more urbanized, even though a lot of us still articulate a more rural society, which I think can work a lot better than the way we are going now. You cannot stop the way it is going now, unless all of us who think the same way do a cross-world tour forever more.

It is changing. Technology is moving. The attitudes of a country -- there is a great attitude

in this country today. As I talked about fish and our right to self-determination, and I am a provincial Premier and our right to self-determination, our right to cultivate still our own Irish dialect in Branch St. Mary's Bay, or to live on the rock called Fogo Island and fish, our right to self-determination.

With everything that is going on in the world today, I would like to know what the demographics of Canada are going to be 20 years from now, and the overall attitude. Free trade is going to come one way or the other. There will be a new GATT five years from now, started in Uruguay, and we will all be travelling more.

The best way to protect the kind of society that I want, which is a lot like the kind of society that Georges Erasmus wants, is to make it specific now.

Thank you, sir.

THE CHAIRPERSON: Thank you, Mr. Premier.

I do not think I have to say on behalf of anybody else that full Canadian citizenship is worth all the oil in Arabia and all the fish in any sea. I think I know what Premier Peckford is saying. He is urging caution upon all of us and urging us to move to consideration of a formula.

I have always felt that the splendour of Canadian citizenship is so evident that that is one of the reasons we ought to work extra hard to make sure that the aboriginal peoples of this country, to whom we owe so much, gain full benefit from it.

Any society, including Canada, is going to be imperfect. There are going to be disparities,

to the correction of which we must work at all times. I hope that in the mind of anyone there is no doubt -- I guarantee there is none in mine, and I am not trying to be patriotic, but I think it ought to be said. I just know that there is no doubt in the mind of anyone, least of all a Newfoundlander -- I will tell you this, Mr. Premier: If you had a referendum in Newfoundland today, it would not be 51:49 in favour of Canada; it would be 99:1 in favour of Canada, as it would be in any province of this country.

I hope, Premier, that, at least, you share my enthusiasm for Canada and for what we are trying to build together. Maybe I am a little off in the statistics, but I certainly will not be satisfied as Prime Minister of this country until such time as we all feel that strongly about it. I think that is the view that you are trying to convey to others.

I make no apologies whatsoever, none to anybody, about the magnificence of this country. What we are doing around this table and other tables like this at First Ministers' Conferences and ministerial conferences is trying to make Canada better.

I go now to the Premier of Saskatchewan.

HONOURABLE GRANT DEVINE, PREMIER OF
SASKATCHEWAN: Thank you, Mr. Chairman.

I believe the last time we were here I said to you, Mr. Prime Minister, that I would rather

hug than fight. But, before I hug, I must tell you that it has to be right.

I believe we have come a long way since the initial First Ministers' Conference on Aboriginal and Constitutional Affairs in 1983. We have all come to understand the fundamental aspirations of aboriginal people in this country. It has been a great educational process.

We have finally come to agree that Indian self-government, not the Indian Act, is one of the keys to their advancement within Confederation. We have raised the awareness of all Canadians that there are legitimate needs and grievances to address and we have created a political process, frankly, which will enable us to carry on with the job.

Those accomplishments, in my view, will remain regardless of the outcome of our deliberations over the next couple of days. Further, I remain hopeful that the conference will result in the right solution for all participants.

I certainly appreciate the efforts of Ontario, Nova Scotia and New Brunswick and I certainly completely understand the positions of Alberta, British Columbia and Newfoundland. It is interesting that we heard two applauses here in the last little while -- one for the Premier of New Brunswick who said that we should enshrine self-government undefined, and

then we had a plea by the Premier of Newfoundland who said, "You had better define it first," and we applauded both of them. I think that is a testimony to the complexity of the issue we are dealing with.

I believe we can achieve that right result if we are prepared to live with what is acceptable to both governments and aboriginal people. We must not attempt to ignore our continued differences. They do not result from bad faith on the part of anybody at this table. They result from legitimate concerns for the future.

We are here now discussing changes to the supreme law of our country. Our mutual caution is no more than a healthy expression of that fact. If we did not respect our Constitution, I would be a little concerned about it.

Let me share with you, Mr. Prime Minister, a little bit about the complexity of the issue. I want to refer to a couple of polls that have been done recently, and point out two or three brief observations. The polls were done, I believe, by Professor Rick Ponting, a sociologist at the University of Calgary and by the Inuit Committee on National Issues. The polling was conducted by Decima Research in both cases. I have three observations.

The national level of support for self-government for the ICNI survey is 61 per cent

of Canadians who favour self-government compared to 32 per cent against. A little further on they ask what they think about special status for aboriginal people. Fifty-seven per cent of Canadians are opposed to special status for aboriginal people. In Saskatchewan it is 72 per cent in those pieces of research.

It goes a little further in the ICNI poll to ask whether Canadians believe it would be desirable to assimilate or absorb native people in the mainstream of society as a solution. Seventy per cent of Canadians agree with this objective, and 77 per cent in Saskatchewan agree that assimilation is the answer.

We moved from the majority agreeing that self-government would be the answer to everybody saying that assimilation is the answer.

I am not so sure, Mr. Prime Minister, that the Canadian public understands what we are doing clearly. The people of Canada, in my view, do not fully understand what is going on in this room.

Therefore, I ask that, when we are about to change the Constitution, we make sure that it is fair. Let us make sure that it is right, because the vast majority of Canadians, according to the surveys, do not know what we are talking about. They do not understand it.

Obviously, we have discussed some concepts

of self-government with regard to native land and reserves. People seem to understand that and have a pretty good concept of what it means. Premier Ghiz talked about it. However, a fourth level of paramount government off reserves with special rights for native people in our metropolitan areas is not understood well. According to the research, it is not even supported in or out of the Constitution, as I see it today.

If I could refer to one other thing, Mr. Prime Minister, I thought The Globe and Mail on March 12 summarized, to a great extent, the complexity of the problem we face. The Globe and Mail said:

" The point is self-government within Canada has always been defined through the democratic process before constitutional entrenchment. That is what we should be doing now with the Indians, the Inuit and the Métis who seek it."

It goes on to say:

" Prior entrenchment of a principle of self-government invites definition by the courts of Canada and political structures in the event of frustrated negotiations."

If I might, I believe I could quote another line. It says:

"The Constitution is no place for obscurity in defining the structures of Canadian federalism."

As Ontario's Attorney General, Ian Scott, said last month:

"The worst thing that can happen here is that we draft a bad amendment. The lesser evil being a meaningless amendment to satisfy symbolic needs. Neither is desirable because we have not done our homework."

I guess what I am saying, Mr. Prime Minister, is that this, as I am sure you understand, is an extremely complex situation which we have here before us because we are dealing with the highest laws in our land and the people of the country do not understand what we are doing, clearly, by the research, because they have come out on both sides of it: one in favour of self-government undefined, and the other in favour of assimilation. Obviously, in theory or in practice, they have no idea what the distance is between the two of those.

In my province we have the largest, if not -- I think we are a little ahead of Manitoba, but for the sake of argument, between 9 per cent and 10 per cent of the population is native. It is the largest in Canada. We have 74 bands and 97 per cent of them are not represented here, Mr. Prime Minister. We have the largest percentage of the population that is native and they are not here.

They are not at the conference. They are outside, they are at home, but they are not represented here. Quebec is not represented here. So people watching on television are saying, "Well, I am not quite sure what this is all about. I know that we should have some self-government, particularly on reserves, and I know that we should have assimilation, because that is the way I feel, and then I look at the Premier of Saskatchewan, who represents the largest percentage of population of natives in the country, and they are not there", for some reason or other -- nobody is quite sure. Then they ask, "Is this really going to be the appropriate way to adjust the most important document we have in our country, our Constitution?"

At the First Ministers' Conference in April of 1985, Saskatchewan proposed an amendment. We worked very hard to propose that amendment. It was incorporated into what has become to be known as the Saskatchewan Accord. That proposal received the support of the federal government and seven provinces and two out of the four aboriginal organizations. I want all of Canada to know -- Joe -- one more group and we would have had a constitutional change and we would not even be here today. We were that close. This is the province that has the largest percentage of native people. One more vote. We had seven provinces, we had the federal government, and we were within one group. What did that proposal say? It said we should negotiate, we should define and we should entrench it. That is what it said. "Let's go to work.

Let's roll up our sleeves. When we figure out what we have got, we will define it in detail and then we will put it in the Constitution." People said, "That does not sound unreasonable". They certainly felt that way in Saskatchewan, because Saskatchewan people want to be involved in this process, forever.

Now, we did not get it. We were one group shy. So we are back here again, and there is obviously a great deal of pressure on us to say that we are going to do it some other way.

I think it is fair to say, Mr. Chairman, that that is the closest any proposal has come to receiving the necessary support, and we believe for good reason. The Saskatchewan Accord combined a solemn political commitment to negotiate self-government with a mechanism to entrench those agreements in the Constitution. I say that again, Mr. Prime Minister: From Saskatchewan, a solemn political commitment to negotiate and a mechanism to entrench. We were that close. Well, we are here again today.

Through the contingent rights approach it seems to me our approach bridged the gap between our concern that we did not understand the meaning of self-government -- and clearly Canadians do not today -- and our desire to recognize the rights and aspirations of native people, and everybody seems to want to recognize the rights and aspirations. So how are we going to pull it off? We have got the rights and aspirations, and we recognize that they should be understood, and a mechanism to make it happen.

It seems to me, in our proposal, it left the power to define the meaning of self-government where it belongs. Where does it belong? With the people. In the hands of their elected leaders, from aboriginal and non-aboriginal communities alike. It seemed to make some sense to me. It certainly did as I travelled around Saskatchewan. The people should design this through their democratically elected systems.

Mr. Chairman, we sincerely believe that these are essential characteristics of an amendment relating to self-government. We are not making these up. These are deep. We also believe that they are clearly expressed by the Saskatchewan Accord, but not clearly expressed by any of the alternative proposals that we see before us today. They are not clear enough. I can go back and look at the research, and I can take you through the towns and villages of my province, and they would not understand the proposals today. I will tell you that sincerely. They need help. It is not that they do not want to build, but they need help to understand it.

As one person said to me in the hallway: "This process must be more than an exercise in quick-fix guilt relief for Canadians." This process must end up doing what is right, and it is going to take a great deal of thought. It is not a question of being timid. I think we have the courage to do what we want to do, but if we do it wrong you can set the cause back a hundred years, because if the people of Saskatchewan did not understand

it and they got up in arms because it was imposed on them, you would not have much chance in the next year, or five or ten or fifteen or twenty years, of telling them the way it is going to be. I think we have to respect their views. If we do not respect their views, I do not think we are very sensitive leaders.

It has been suggested that we should consider those alternatives because ambiguity is the proper price to pay for a bargain. I do not know if I agree with that. It is the courts' job to interpret constitutional language. Fair enough. It is our job, however, to find language that expresses our intentions as clearly as possible. That is what we should do as political leaders.

At that April 1985 First Ministers' Conference I stated my concerns as clearly as I could, and I think those concerns are among the Saskatchewan people today -- Canadians. Governments and aboriginal people have not yet agreed on what self-government really means and where and how it should be implemented, and they want to know. They sincerely want to know.

We do not believe it to be in the interest of Canadians to have those questions just holus bolus answered by the courts without having some involvement in the process.

I want to go back to our accord that was one group short of a constitutional change, where the people were involved.

I say it is not a job that courts are equipped to carry out. Courts do not make agreements, they interpret them. If that is true in commercial dealings, it must be equally so in relation to an agreement on the shape of our basic political institutions. We should decide politically, then they will judge.

Consensus is an essential part of the legitimacy of those institutions. That consensus can only result from negotiation, with men and women of goodwill at a table. Anything less would be both unworkable and contrary to our democratic traditions.

Mr. Chairman, we must also express concern over apparent disagreement over which level of government is responsible to negotiate and fund self-government. And I say, in all respect, we are not going to reduce this historic undertaking to a debate over deficits. However, we wonder whether real progress is possible if we do not face up to at least the question of who is paying for this. As long as governments fail to agree, aboriginal people will continue to be caught in a jurisdictional no man's land. I think Mr. Peckford makes a very good point. If you do not decide and then you just enshrine it, then it is a free for all. If that would occur, we would be justifiably accused of having adopted an empty statement of principle; what does it mean.

I say that, in all respect, Mr. Chairman. In the Province of Saskatchewan, we spend a little over \$1 million a day on the native people in Saskatchewan.

\$1 million a day, three hundred and sixty some million dollars, totally. Mr. Minister, that is significant. To let you know how significant it is, we have about half the farmland in Canada, and total net farm income '87-'88, will be half that. The total net farm income in the entire province of Saskatchewan will be half that amount. So, it is not that we are not participating, we are participating in spades.

So, it is just a question that people ask me, as I travel throughout Saskatchewan. Well, fair enough, I am not quite sure what it means, I am not really sure what the process is, I am not quite sure what is going on on the Constitution, I know that assimilation would be the real answer if I was asked, on the list of questions, that would be it, but I really respect what you are doing with respect to self-government. And, then, it is a question of who is going to pay for it, and you throw that all in the hopper, as they would say on the ranch, and you are not sure what is going to come out the other end.

Well, it is just a little difficult, Mr. Prime Minister. It is just a little complicated. I believe that we are prepared to honour the commitments, made in this forum and other forums, and we will translate them into progress if there is a way to find progress. We have taken a clear position on this issue, and one which has received widespread support at this table. Premiers, people around this table in '85, supported it.

I can say that, clearly, history will support the argument that we have tried and we have been there, right to the brink. It is our view that self-government costs should be borne primarily by the federal government, and that is no secret, but it is clearly the case if we are involved with our fair share. And I understand it.

In Saskatchewan, the special relationship that we have, with the federal government and with our aboriginal people, is in many cases expressed through the treaties which are concluded between Indian people of our province and the federal government. And it is not our position to interfere with that relationship, we respect it, but we will also work with it.

We believe this is the correct approach, in both principle and practice. Our reasons are simple. Canadians have made a national commitment to recognize the special place of aboriginal people in this country, and we are going to do it. The fact is reflected in our existing constitutional arrangements, of which this conference is just one part. All Canadians must share that commitment and, obviously, this is only possible through the leadership of the federal government. That does not mean the provinces do not have interest at stake and play a role, we clearly do. To give you a couple of examples -- and I think they are just worthy of noting, it is not an all-encompassing list -- the Government of Saskatchewan has looked and will continue to look for new

and additional opportunities to allow aboriginal people to take their rightful place in society. And we mean that, and evidence will speak for itself.

There are a number of actions that we have already taken. As I have stated many times in the past, we remain firmly committed to the settlement of outstanding treaty land entitlements in our province, and call on the federal government to work with us toward that goal.

Saskatchewan continues to provide economic support to bands, through the provincial Indian Economic Development Program. Mr. Bill McKnight, the federal minister, knows that well. This program provides venture capital to new and existing Indian businesses in Saskatchewan, all over the province.

Saskatchewan has played a leading role in the development of core and support curriculum in Indian and Métis education. We have developed a plan under which many support materials used in Saskatchewan schools are developed by Indian and Métis people themselves. We have also embarked on a five-year plan to put Indian and Métis content into the core curriculum. This means that all students in the province, not just those in special courses, will be exposed to material about aboriginal people and their culture, throughout the entire province of Saskatchewan.

I believe I am correct in saying, Mr. Prime Minister, we are the first province in Canada who have taken this step.

The Government has transferred the Lebreton

Métis Farm to the Métis living in the southeastern part of the province. We transferred this land, for example, which contains 2,860 acres of prime farm land, because of the historical relationship of the local people with the farm and because we were confident that we would have significant socio-economic benefits for the people there. It is symbolic.

Saskatchewan, along with the federal government and the Association of Métis and Non-Status Indians of Saskatchewan, has participated in tripartite discussions on a wide range of issues. This process has laid the groundwork for an improved understanding between Métis and Non-Status Indian people and the two levels of government and enabled progress on new initiatives.

Mr. Chairman, this is not a comprehensive list. These are examples of what Saskatchewan is doing today.

Our objective is to continue to find practical concrete initiatives which will benefit the aboriginal people of Saskatchewan.

Let me just wrap it up, Mr. Chairman. I wish to say that we in Saskatchewan do not see constitutional reform as necessarily a panacea. There is much work to be done. The foundation has been laid and we showed real initiative in 1985. And we have an imagination and we are prepared to use it. We must build on that foundation, the foundation we set out in 1985, and ensure that aboriginal people achieve real self-sufficiency and control over their

own lives, in Saskatchewan and across the country. We must enable aboriginal people to participate fully in building a strong and diversified economy. And they can and they do.

Mr. Chairman, Saskatchewan will continue to pursue the goals, regardless of the outcome of this conference. We worked hard in 1985 and we are here very seriously in 1987. Mr. Chairman, we are prepared to do what is right.

THE CHAIRPERSON: Thank you.

I would just say, in regard to a comment that my friend, Mr. Devine -- Grant said, and I think I am quoting him properly, that people have no idea what we are doing here. The sad part of that statement is that it is probably true, but I think that Canadians want us to do what is right. They know that our history in regard to native peoples has been stained and soiled. That, Canadians know.

Brian Peckford made quite a speech, a few minutes ago, about the injustice in regard to -- the alleged -- the unfairness, let me put it that way, in regard to Newfoundland and Labrador. He is quite right. 19.3 per cent unemployment and, as we speak, that is three times as high as the unemployment in Manitoba and Ontario, and that is unfair. And, that we have to deal with.

What about what Jim Sinclair was talking about last night. 90 per cent unemployment on reserves, alcoholism, drug abuse, family devastation and hopelessness.

Now, that has been the legacy of Canada to our native peoples. No malice, no conspiracy, no organized activity; it has worked out that way, notwithstanding the best efforts of an awful lot of people.

So, I think what Canadians are saying to us today is -- you may be right, Grant, I think they are -- I think that they realize it is complicated and it is difficult and it is enormously challenging. But I think what they are saying to us is that we do understand that the past has not worked and, therefore, you are going to have to devise a new system. And that new system must grant two things: dignity and a dimension of equality that has been lacking since this country was founded. And they are calling on us to provide some leadership. That, they understand. They might not understand the intricacies and the subtleties of all of the legalese flowing back and forth, but they know we have not done well enough, and they are going to be looking at us real hard to make sure we do better. I thank all of you for your constructive suggestions as we search for that improvement.

J'aimerais maintenant demander aux représentants du gouvernement du Québec, qui sont maintenant.... qui sont, depuis toujours, avec nous.... je pense que monsieur Rémillard fut.... il est accompagné de son collègue, monsieur Savoie, mais je pense que monsieur Rémillard est le porte-parole du gouvernement du Québec. Je vous dis, au nom des collègues, bienvenue

et à vous la parole.

. M. GIL REMILLARD, MINISTRE DELEGUE AUX
AFFAIRES INTERGOUVERNEMENTALES CANADIENNES, PROVINCE DE
QUEBEC: Monsieur le Premier ministre, messieurs les
Premiers ministres des provinces, chefs autochtones,
c'est avec grand plaisir et grand intérêt que le Québec
s'exprime sur cette importante question des droits des
autochtones.

Le Québec, comme vous le savez, a toujours
fait preuve d'une grande ouverture à l'égard des droits
des peuples autochtones. Le Québec a posé, dans le passé,
de nombreux gestes concrets, de nombreux gestes significatifs,
pour montrer son grand intérêt, sa préoccupation de voir
respecter les droits de nos populations autochtones.

Monsieur le Premier ministre, j'entendais ce matin le chef métis, monsieur Dumont, nous dire que ça lui faisait mal au coeur de voir que le Premier ministre du Québec, monsieur Bourassa, n'était pas présent à cette conférence pour discuter de ces questions si importantes pour les autochtones.

Je voudrais dire au chef Dumont, je voudrais dire à nos amis autochtones que nous aussi, ça nous fait mal au coeur que le Premier ministre du Québec ne soit pas assis à cette table. Je voudrais vous dire que nous aussi, ça nous fait mal au coeur que le Québec ne soit pas partie de plein droit à ces discussions que vous avez raison de qualifier d'historiques.

Cette situation, nous ne l'avons pas cherchée. Cette situation, elle nous a été imposée. Malheureusement, la présente conférence coïncide avec une période intense de discussions constitutionnelles qui ont pour objet de permettre au Québec de participer pleinement et à part entière à la fédération canadienne en corrigeant la situation créée par l'adoption sans le consentement du Québec à la Loi constitutionnelle de 1982.

Etant donné ce contexte précis, il était impossible au Premier ministre du Québec de participer aux travaux de cette conférence. Il est facile de comprendre que le Québec se doit, le Québec se doit absolument et en toute logique, le Québec se doit de réaffirmer que la situation constitutionnelle qui lui a été imposée est inacceptable, non seulement pour lui, mais pour l'ensemble

du Canada.

En conséquence, le Premier ministre du Québec ne peut poser de gestes qui seraient susceptibles de banaliser une telle situation en prenant une part active à un processus constitutionnel prévu par une loi constitutionnelle qui met en cause les droits historiques des Québécois et des Québécoises.

Le Premier ministre du Québec ne pouvait pas participer activement à un amendement constitutionnel à une loi constitutionnelle que nous dénonçons. Cette situation que nous déplorons ne nous empêche cependant pas d'exprimer notre grand intérêt pour la question de la reconnaissance des droits des peuples autochtones.

Le Premier ministre, monsieur Bourassa, a tenu, mardi soir dernier, à rencontrer à Québec, personnellement, les représentants élus des peuples autochtones du Québec. Il a voulu les rencontrer pour leur expliquer clairement la position du Québec. Monsieur Bourassa leur a dit que le Québec sera présent et actif à la présente conférence dans la mesure où cette présence, où cette participation n'implique pas une reconnaissance par le Québec, même implicite, de la Loi constitutionnelle de 1982.

Autant nous comprenons le sens de la démarche légitime de nos amis autochtones en vue d'acquérir une complète autonomie de gestion de leurs affaires, autant nous espérons que nos amis autochtones comprennent le sens profond de notre position; autant

nous espérons qu'ils comprennent la situation difficile dans laquelle nous sommes.

Monsieur le Premier ministre, le Québec est sensible aux demandes formulées par les nations autochtones. Il a manifesté dans le passé clairement son intérêt pour les droits des autochtones en prenant au Québec des mesures concrètes comme par exemple les ententes de la Baie James qui peuvent servir sous bien des aspects comme référence aux discussions que nous avons aujourd'hui et demain.

La position du gouvernement du Québec à l'égard des peuples autochtones est la suivante. Premièrement, le gouvernement du Québec est favorable à la reconnaissance constitutionnelle du principe de l'autonomie gouvernementale des autochtones dans le cadre d'ententes négociées avec les gouvernements concernés.

Deuxièmement, le Québec est prêt à négocier des ententes, et le Québec est prêt à s'engager à la faire, cette négociation.

Troisièmement, le Québec veut être partie à toutes les négociations sur l'autonomie gouvernementale concernant les peuples autochtones habitant son territoire. Les ententes qui découleraient des discussions pourraient être approuvées et devraient être approuvées par l'Assemblée nationale.

Et quatrièmement, le Québec accepte que les ententes ainsi approuvées reçoivent une

protection constitutionnelle. Le Québec accepte d'enchâsser dans la Constitution, pour leur donner la garantie constitutionnelle, le résultat de ces discussions, ces ententes négociées de bonne foi avec les peuples autochtones du Québec.

Prime Minister, Premiers, leaders, in summary, Quebec is in favour of the constitutional recognition of the principle of aboriginal self-government within negotiated agreements with governments.

It declares itself ready to negotiate those agreements and to commit itself to negotiate. Quebec wants to be part of all those negotiations on self-government concerning aboriginal people living in Quebec. Quebec wants these agreements to be approved by the National Assembly.

Quebec accepts that these agreements, so approved, be constitutionally protected.

Monsieur le Premier ministre, je voudrais, en terminant, souligner les relations privilégiées que nous avons, et que nous entendons maintenir avec nos amis autochtones du Québec. Le Premier ministre du Québec a tenu à communiquer personnellement aux représentants autochtones les principes qui sous-tendent notre politique. Ces principes, nous voulons les exprimer clairement, parce que nous y croyons sincèrement. Nous tenons à assurer nos amis autochtones que tout sera mis en oeuvre pour continuer de maintenir nos relations harmonieuses avec eux et pour faire prévaloir la justice qu'ils recherchent.

Mon collègue, le ministre responsable des affaires autochtones, monsieur Raymond Savoie, qui m'accompagne, a précisé ce mandat au sein du gouvernement du Québec.

Je vous remercie, monsieur le Président.

LE PRESIDENT: Nous apprécions votre intervention. Il aurait été encore plus préférable si nous avions pu avoir la présence du Premier ministre du Québec -- il a expliqué les raisons de son absence -- mais surtout, en ce qui me concerne, parce que dans ce dossier délicat, le gouvernement du Québec et les gouvernements successifs du Québec ont un dossier tout de même assez impressionnant dans le domaine des autochtones. Il y a eu des accomplissements assez nobles de la part des gouvernements du Québec dans les années dernières.

Je souhaite donc la présence québécoise dans un cadre constitutionnel canadien le plus rapidement possible et j'ai hâte, avec mes collègues, de rencontrer tous les Premiers ministres dans un avenir rapproché, au mois d'avril, dans ce sens-là.

Vous voyez jusqu'à quel point cela impose un fardeau, l'absence du Québec, dans un cadre canadien. Cela impose un fardeau absolument remarquable sur toutes les autres provinces et les autres intervenants, parce qu'un tiers de la population n'y est pas; une des provinces les plus importantes du côté numérique n'y est pas.

Mais la formule est déjà existante depuis 1982; alors, cela impose un fardeau absolument remarquable sur les autres Premiers ministres. Donc, il va falloir qu'on n'oublie jamais que ce n'est pas parce que nous avons une affection particulière pour une province par opposition à une autre, mais il est inconcevable que nous

puissions continuer ad vitam aeternam dans un cadre constitutionnel semblable sans le Québec, pour des raisons autres même que des raisons constitutionnelles, et ces raisons-là sont fort valables.

Alors, c'est peut-être une expérience pour nous tous, dans le domaine de l'élaboration d'un nouveau Canada plus tolérant vis-à-vis les autochtones et vis-à-vis d'autres, que l'on sache que ce n'est pas parce que Brian Mulroney ou un autre Premier ministre est tellement fou, fou avec l'idée d'un document constitutionnel; c'est parce que le pays ne peut pas fonctionner sans la présence québécoise au sein de la confédération canadienne. Je pense que c'est la position, tout de même, de la quasi-totalité des Premiers ministres.

Alors, merci beaucoup de votre présence, merci de votre contribution; et il est à espérer que, dans un avenir assez rapproché, l'on sera en mesure de trouver, justement, cette formule qui va permettre au Premier ministre du Québec de venir souvent et régulièrement et de participer intégralement aux délibérations constitutionnelles canadiennes. Merci de votre présence.

May I turn to the leader of the government in the Yukon, please?

M. PENIKETT (TERRITOIRE DU YUKON): Après mon ami, monsieur Sibbeston, s'il vous plaît, monsieur le Premier ministre.

THE CHAIRMAN: Excuse me, yes, please.

MR. NICK SIBBESTON, GOVERNMENT LEADER,
NORTHWEST TERRITORIES: I saw quite a number of the
native leaders from the south speaking in their own
language, and I want to say a few words in my own
Dene language, one of the seven official aboriginal
languages of the Northwest Territories.

(Native language / Langue autochtone)

Mr. Prime Minister, I am pleased to be
here today to represent the Northwest Territories and
state the position of our government. Our role at
these conferences has consistently attempted to bridge
the differences between governments and aboriginal
organizations.

The position of the Northwest Territories
is unique. Our government is a public one with developing
provincial-type powers but at the same time, we do
incorporate certain components of aboriginal self-
government. We are engaged on virtually a daily basis
in negotiating with aboriginal peoples to ensure that
their rights are protected and reflected in all government
institutions.

I want to assure you that our experience
has shown that aboriginal self-government is something
to be welcomed and encouraged. It is not something that
provinces should be afraid of. Our government has
consistently supported the entrenchment of aboriginal
self-government provisions in the Constitution.

Coming from the largest part of Canada,

where native people are in a majority and are already very involved in government, we have been impressed at the growing understanding and mutual respect which has developed amongst the parties here between the aboriginal leaders and the Premiers over the past five years.

I do believe that success is within our grasp, that we will meet our responsibilities and achieve what most Canadians want, an amendment to our Constitution recognizing aboriginal self-government.

The basic position of the Northwest Territories is that such a right has always existed. It exists today for the same simple reason that it existed before Europeans set foot in North America. We believe that sub-section 35(1) of the Constitution Act of 1982, by affirming aboriginal rights, has simply given recognition to a right that has always existed. The right to self-government is therefore inherent.

It is our position that sub-section 35(1) of the Constitution Act needs to be elaborated upon and clarified so that it gives full constitutional expression to the right of aboriginal peoples of Canada to self-government.

We agree with others who have spoken before that we must not get hung up on specific words of our amendment.

In the past, the debate has focused on how the inherent right of aboriginal self-government is

to be elaborated and made explicit in our Constitution. The question has been whether the language of an amendment should provide for a free-standing or unequivocal right or for a qualified or contingent right.

Our position is that the explicit entrenchment of the inherent right of aboriginal self-government should be unequivocal and in plain language. The aboriginal peoples of Canada have the right of aboriginal self-government. And why not? There seems to be a real fear that the courts will somehow interpret such a clause in a manner that will significantly reduce the powers of the existing governments. But, Mr. Prime Minister, I cannot understand why some governments here are afraid of the courts.

If the governments are so afraid of what the courts might do to a free-standing declaration of the right to aboriginal self-government, perhaps they should even be more uneasy about what the courts could do with the rights already included in Section 35(1) if we fail to elaborate on them.

It is difficult to entrench a commitment but as Mr. Hatfield stated earlier, for negotiations to proceed in a meaningful way, there must be a climate of good will and best intentions on all sides. We believe that stating this commitment clearly in the Constitution Act is important as a symbol of those good intentions.

Aboriginal self-government agreements, once

negotiated, should be given the added legitimacy of entrenchment in the Constitution. This might lose us some of the desired flexibility that such agreements must incorporate, but hopefully, they can be worded in such a manner that they still can be adapted over time to fit newer or unforeseen circumstances.

The NWT therefore supports entrenchment of the specific self-government agreements, whether through explicit ratification procedures or through the simpler expedient of deeming such agreements to be treaties in Section 35(1).

A cornerstone of any genuine aboriginal self-government system is financial stability. After all, the goal of aboriginal self-government is to provide a significant level of autonomy for native peoples in dealing with matters that affect their lives.

Obviously, autonomy is an illusion if some outside political jurisdiction holds the purse strings. While we should not fool ourselves that aboriginal self-government will somehow save us large sums of money, we feel there must be a guarantee of funding, sufficient that aboriginal governments can indeed govern.

Perhaps more controversial to the governments assembled here is not the issue of whether aboriginal self-government should have the financial means to govern but rather the issue of who should pay, the provinces or the federal government.

We believe that the responsibility for financing aboriginal self-government should be shared by the federal and provincial or territorial governments. This should be based on a current distribution of the respective responsibilities for aboriginal peoples. As well, it is essential that the aboriginal governments not only be empowered to raise their own revenues but indeed be required to do so. If they are to be a real government, they must share the burden of fiscal responsibility that is currently borne by federal, provincial and territorial governments.

In this sense, we believe that self-government is a two-edged sword. There are obligations as well as benefits that go along with it. The Northwest Territories also supports the inclusion of non-derogation clauses in any amendment to the Constitution respecting aboriginal self-government. We feel that self-government negotiations should not in any way limit or restrict ongoing discussions of self-government, land claims or the guarantee of aboriginal political rights in public institutions. These processes must be allowed to proceed to a conclusion, particularly in the north where there is a much wider range of options open to native people with respect to protecting their rights.

Secondly, we support the inclusion of a clause that would ensure that any self-government right explicitly entrenched in the Constitution does not derogate from the inherent right of aboriginal self-government that is both a legacy of pre-colonial rights, and affirmed in Section 35(1).

In conclusion, Mr. Prime Minister, we must all recognize that this process will come to nothing if the governments and aboriginal groups concerned do not proceed to negotiate in good faith. As a government that is involved already in extensive negotiations with native people, we urge all participants at this table to look at the Northwest Territories as an example of what can be done and to try to find the political will to enter into these self-government talks in a generous and sincere spirit.

Thank you. Mahsi Cho.

THE CHAIRPERSON: Thank you, Nick.

May I turn to the Government Leader in the Yukon.

THE HONOURABLE TONY PENIKETT (Government Leader, Yukon): Thank you, Prime Minister.

In 1981 a promise was made at this table. It was the most solemn promise a country can make, a constitutional promise. It was a promise to aboriginal people by Canada's leaders. It was a promise of recognition of equity, of justice.

It was a promise that Canada in the supreme act of a civilized nation, a nation enshrining our fundamental freedoms and democratic rights, mobility rights, legal rights, equality rights, language rights, that Canada would not forget the rights of her aboriginal peoples.

It is now time for Canada's leaders to keep that promise. Our duty here is also an opportunity for Canada. It is an opportunity for the political, social, economic and cultural development of communities across the land.

This opportunity can be realized through aboriginal self-government. This would give Canada's first citizens the right to build strong, healthy communities with a future. What Canadian in our Confederation would accept anything less?

Aboriginal rights are an essential part of Canadian history and culture and of the legal foundation of our nation. We have recognized this in the Yukon in our Human Rights Act, a territorial charter of rights and freedoms.

Prime Minister, we have listened carefully to the constitutional debate on this subject for the past few years. We have shared the frustrations felt by others at the table. We have felt the need for governments and aboriginal peoples to reach out to each other. We are now persuaded

that aboriginal rights deserve the same protection as all other rights. We believe aboriginal rights should be as enforceable in the courts as any other rights. They ought not to be contingent. They should not be second-class rights. They should not depend on the quirks of history or the goodwill of politicians.

Aboriginal rights must have a foundation. That foundation should stand on the same constitutional ground as the rights of women, the rights of Francophones, the rights of religions, the rights of the media, the rights of the elderly, the rights of everyone, in many cases as yet quite undefined, but which are specifically protected in the Canadian Constitution.

Who, among all the people represented at this table, would accept anything less for their constitutionally protected rights?

While we recognize the need for a stand-alone right, we believe it is infinitely preferable for parties to work co-operatively through negotiations to establish self-government rather than resort to the courts. This co-operative approach is one that we have sought for the Yukon land claims table. It is a table, not unlike this one, a smaller table to be sure, but one where Yukoners discuss the same issues we face here as First Ministers.

Success in our co-operative approach to land claims has convinced us that where parties are willing to negotiate, there is no need to fear an explicit right. We recommend this approach to our fellow Canadians. We propose that governments and aboriginal groups be encouraged to diligently negotiate before resorting to the courts. We believe that working together through negotiations offers the best means to achieve aboriginal self-government.

The political obligation to negotiate, no less than the right itself, must be binding on all parties. The Constitution must obligate all parties to negotiate and include the primary powers and duties of self-government.

The Constitution must ensure equity of access for all native people to the process of establishing aboriginal self-government. We must build the basis for successful self-government negotiations. A process must be established to reach agreements on adequate federal funding for negotiations on the schedule and timing of negotiations and on the means to settle trans-boundary claims.

Negotiated self-government agreements must be constitutionally protected. We believe perhaps the simplest and most flexible process for protecting these agreements is to give them the status of treaties.

The scope and nature of self-government negotiations require the full involvement of provinces and territories. Though the federal government is constitutionally responsible for aboriginal people, provincial and territorial governments presently have responsibility for many of the matters that will be embraced by aboriginal self-government.

We propose that funding for self-governments be guided by three principles: First, the federal government's exclusive constitutional jurisdiction for aboriginal people creates a primary federal responsibility for financing self-government.

Two, notwithstanding the primary financial responsibility of the federal government, all parties, including the aboriginal communities, must collectively create and maintain an adequate and stable financial base for aboriginal self-governments to carry out their responsibility.

The obligations of all parties should be decided in negotiations guided by the special circumstances of each case.

Finally, the financial arrangements must ensure self-government can provide public services comparable to those available to other Canadians within the region.

The Yukon government believes the

positive opportunities created by self-government will eventually enable aboriginal people to assume financial responsibility for their affairs. On many fronts the economic and social benefits created by aboriginal self-government would indirectly and directly contribute to the overall well-being of the country.

Aboriginal self-government is a necessary and a positive investment in the future of our nation.

Prime Minister, in the Yukon we have already begun through land claims to negotiate aboriginal self-government. We believe these negotiations will bring political, social, economic, cultural benefits to our aboriginal people and indeed to all Yukoners.

Prime Minister, we are prepared to keep and respect the constitutional promise of six years. Merci, Mahsi Cho. Thank you.

LE PRESIDENT: Merci, monsieur le Leader.

J'aimerais suggérer qu'on ajourne nos travaux pour une quinzaine de minutes, que l'on prenne une pause-café pour une dizaine de minutes et que l'on se retrouve ici vers le 5 h 00.

I would like to suggest, colleagues that we adjourn for 15 minutes and come back at that time and I will be happy to hear you then, Chief.

Thank you very much.

--- RECESS / AJOURNEMENT

---Upon resuming / _____?

LE PRESIDENT: Collègues, juste avant l'ajournement le chef Gary Potts a demandé la permission d'intervenir sur un point pour, me dit-on, monsieur Potts, trois minutes. Il a des précisions à apporter, alors je lui cède la parole pour cette durée, en vous indiquant que j'ai l'intention de procéder, immédiatement après, à une sommation de nos travaux de la journée.

Chief Potts, would you please proceed?

CHIEF GARY POTTS, SPOKESMAN, ASSEMBLY OF FIRST NATIONS: Thank you, Mr. Prime Minister.

I feel it is important that the AFN not discuss so much the details but illustrate to you that we feel there is a political will to move forward here in this room. Some is very positive and informed, such as Mr. Hatfield's presentation. Some are concerned about the movement, but they want to do right. One or two want to totally colonize us and form a colonial native community something like the Sechelt model, i.e. "You listen to us, and we will give you some of the money we are making from the lands and resources that you formerly occupied."

The point is that, even though that is the situation, they still want to move. In their hearts they feel that is the right way to move.

We feel that we can illustrate to them that that is not the most positive way to move, that

there are more positive ways to move forward. We are willing to assist this political will towards the positive development of co-existence with the peoples in Canada in the form of new treaties and revisiting the spirit and intent of the existing treaties that are in place now. We again illustrate that we have a lot of support out there in the country. I think Canadians are very well-informed about what is going on at this table.

Thank you very much.

THE CHAIRPERSON: Thank you, Gary.

I want to sum up, if I may, colleagues.

We have had a long day and, I think, a good one. I want to thank First Ministers and representatives of the territorial governments and aboriginal organizations for their comments.

A la lumière des échanges aujourd'hui, personne, à ce que je sache, ne rejette la notion d'autonomie gouvernementale pour les Indiens, les Inuit et les Métis du Canada.

For my part, there have been a number of encouraging signs, throughout our discussions, last evening during dinner, this morning and over lunch, also this afternoon. I indicated last evening and today that I would listen very carefully to everything that was said and try to make a value judgment in terms of the usefulness of ongoing exercises prior

to tomorrow.

There have been a number of forthright statements that the right to self-government must be recognized in the Constitution. I have also heard a willingness to engage in positive dialogue so that Canadians will have a clear understanding of just what self-government would mean.

Premier Getty, for example, stressed the need to define the power of self-governing institutions prior to entrenchment.

There is a need for a constitutionally-provided process of negotiations to undertake that definition and to provide a means of protecting the results of those negotiations.

Finally, I think there is and has been a recognition that whatever arrangement we set in place must not derogate from the rights of the aboriginal peoples which are already recognized in the Constitution. That has found a reflection in the drafts that have been circulated by a number of First Ministers.

Tous ces thèmes, mis ensemble, sont très encourageants, mais il nous reste encore du chemin à faire afin de parvenir à un consensus. Tout d'abord, il faut éviter de se perdre dans des virgules, des adjectifs, quand nous parlons de la reconnaissance du droit à l'autonomie gouvernementale. Comme, par exemple, le Premier ministre Hatfield l'a mentionné,

et d'autres dirigeants autochtones, du ACNI par exemple, cela ne sert pas beaucoup à clarifier la reconnaissance que nous recherchons tous. Je suis toutefois conscient que nous devons avoir une meilleure compréhension de ce droit et de la façon dont il sera exercé.

In this regard, colleagues, I did not hear anybody say that their preferred route was to use the courts to define the institution to self-government. Instead, most people said or appeared to say that they preferred to negotiate the powers and institutions of self-government. Other participants discussed the need for constitutional protection of powers identified in negotiations. I think Premier Peterson and Premier Pawley made specific reference to that.

We must also ensure that nothing we set in motion today would take away from the rights which the aboriginal peoples now enjoy. By that, I mean rights already contained in the Constitution.

Finally, everyone has acknowledged that the status quo is not good enough.

That there has been movement today is an indication of a clear willingness, indeed a desire, to move beyond the status quo. These are the key themes that I heard last night, this morning and this afternoon, and I think we agree on those fundamental points.

If we can find the political will necessary, I believe that we can find creative solutions and the language, which is often an inhibition in itself. I think, if we can agree on these principles, and we appear to have a large measure of agreement, that the challenge is whether we are capable of finding creative solutions to express them in a constitutional amendment.

Let me make clear that there is also an overriding principle in all of this. All governments have a role, whenever we are talking about new jurisdictional relationships in our federation which will affect all Canadians. No one should be excluded from that responsibility.

However, the Constitution cannot spell out every detail of those jurisdictional arrangements. This is an impossible task. If you try to sit here and anticipate every conceivable difficulty that might arise -- I was attracted by some of the views of Premier Ghiz and others with regard to how that might be dealt with a little later down the line.

In this respect, I recognize that such questions as land and resources are clearly foremost among the concerns of many of the aboriginal leaders here today, and that they are considered by them to be totally connected to the question of self-government.

I think we must also understand that

such questions cannot be solved in the abstract.

Nous devons comprendre qu'il faudrait négocier les aspects complexes des nouveaux rapports qui vont s'établir entre les juridictions. Si nous pouvons garantir un processus de négociation et nous engager à mener les négociations avec sérieux, nous ne pouvons toutefois en garantir les résultats; personne ne peut le faire. Cependant, si tous s'y engagent, nous pouvons trouver des solutions concrètes aux problèmes concrets qui nous préoccupent.

For my part, on behalf of my government, I intend to break new ground and move beyond, as has been suggested, adjectives and emotive terms. I am prepared to support the explicit recognition in the Constitution of the right to aboriginal self-government.

It is clear that the aboriginal associations and their constituencies will accept no less. For our part, we take the position that rights should not be subject to negotiation.

What is negotiable, however, is the division of powers among aboriginal, federal and provincial governments. This is consistent with the development of our federal system. We have it today. It is the Canadian way.

As a result of our discussion today, I think we have a clear -- not a unanimous or a perfect -- but we have a clear idea of the basic concepts which must be contained in an amendment on self-government. Therefore, I intend, based on the advice, the counsel, and the strong opinions expressed by everyone, to develop a federal draft tonight for our consideration.

This draft will attempt to capture the movement I saw last night and throughout the day today. My Ministers and I will be conducting informal soundings through the evening, and I will be in direct touch with many of you to try to tap the best ideas that have been put forward by provinces and aboriginal associations alike.

I refer in particular to the very useful and precise suggestions made by a number of provinces and aboriginal associations.

In short, I think we have spent sufficient time discussing past problems. Let us better use our energies in building the future in trying, as best we can, to establish a framework for all of our people. Canadians are telling us that it is time to negotiate. Canadians are telling us that they support the constitutional recognition of a right and that they believe in the process of negotiation.

Canadians are telling me, in any case, that they see self-government for aboriginal peoples as a shared responsibility of federal and provincial governments. Most important, I think Canadians have made it abundantly clear to all of us, in different ways and at different times, that they are ready to move beyond the status quo. How far and in what terms is for us, as elected First Ministers, along with our colleagues from the aboriginal associations, to attempt to enunciate, to articulate and to define.

I think we have made progress today. I take the liberty, colleagues, of saying that I suppose if you look where we were, we have made substantial progress. I think that we can fashion an agreement if the political will exists to say yes. That is the challenge of tonight and tomorrow.

There is no doubt in my mind that such an agreement will evolve. Will it be today and tomorrow,

under the leadership of these First Ministers and this generation of leadership of aboriginal groups, or will it go on to tomorrow and all the tomorrows in other days? I do not know. But I think we have got the stuff of which a solution can be made.

I will be working tonight with you, and I will meet with you first thing in the morning to try to put forward a proposal which will reflect the views of Canadians and Canadian leadership in this vital area.

So to all of you, to all the First Ministers and aboriginal leaders who have spoken forthrightly and with genuine emotion on this very important issue, I thank you and I will be in touch, as I say, no doubt with many of you tonight, and I look forward to our meeting tomorrow.

There are no guarantees. This we know. We have no guarantees as to the ultimate result of today and tomorrow, but I think we are on the right track and I want to thank you all for your efforts in this regard. Thank you.

--- 5:32 P.M.

FIRST MINISTERS' CONFERENCE
ON ABORIGINAL CONSTITUTIONAL MATTERS

CONFÉRENCE DES PREMIERS MINISTRES
SUR LES QUESTIONS CONSTITUTIONNELLES
INTERESSANT LES AUTOCHTONES

VERBATIM TRANSCRIPT

(unrevised)

Morning Session of
March 27, 1987

COMPTE RENDU TEXTUEL

(non révisé)

Séance du matin du
27 mars 1987

THE CHAIRPERSON: Good morning, colleagues.
Please be seated.

--- OPENING CEREMONY / CEREMONIE D'OUVERTURE

--- OPENING PRAYER / PRIERE D'OUVERTURE

--- PRESENTATION OF EAGLE FEATHER TO THE PRIME MINISTER /
PRESENTATION D'UNE PLUME D'AIGLE AU PREMIER MINISTRE

THE CHAIRPERSON: Colleagues, may we begin, please. A la fin de nos délibérations hier, j'ai énoncé ce que je pense être les grands principes ou les grands thèmes qui semblent faire l'objet d'un consensus assez général. I said that I was prepared to support the explicit recognition in the Constitution of the right to aboriginal self-government. Rights are not negotiable and should not therefore be contingent.

At the same time, I stated that what is negotiable is the division of powers among aboriginal, federal and provincial governments, which is consistent with the development of our federal system.

On that basis, at the end of the day yesterday, and further to conversations with many of you, I indicated that I would attempt to develop a federal draft amendment that would seek to capture that consensus, and I sensed some movement among participants at the table and during our various conversations yesterday.

Last night, I had the occasion to speak with several Premiers and I understand that my Ministers and officials also consulted with many other participants on elements of that draft.

In preparing this document, we also drew upon, quite obviously, some of the excellent ideas contained

in previous drafts which were tabled by various governments, including Nova Scotia, Ontario, New Brunswick, and by certain of the aboriginal associations.

Last night I asked that arrangements be made so that a meeting could be held at seven o'clock this morning among officials and Ministers so that we could all take cognizance of the elements of the draft prior to our meeting here at nine o'clock this morning. I understand that copies of that draft were received at that time.

I would like to say a word about this amendment proposal, some of the terms and some of the reasons surrounding its evolution most recently.

The draft which is before you represents an attempt, however imperfect, to find common ground, to build a bridge necessary to reach an agreement on a constitutional amendment and, in the words of the Inuit, which would complete the circle of Confederation.

We have taken care in preparing this draft to reflect as much as possible what we have heard and what we have learned from participants from the beginnings of our deliberations, from the Nova Scotia rolling draft, to the comments of Premier Peterson, to the observations of Premier Devine, to the leadership of the aboriginal associations and so on.

De toute évidence, il a été impossible, dans un seul projet, de concilier toutes les opinions de

tous les participants. On nous a présenté diverses options qui allaient de la reconnaissance d'un droit inconditionnel à l'autonomie gouvernementale, jusqu'au refus de reconnaître un quelconque droit général à cette autonomie.

It is obvious to me, given what I have heard from First Ministers and aboriginal leaders, that agreement -- I do not think, anyway -- that agreement does not lie at either extreme, but rather somewhere in between. I suppose in some ways that is the nature of the evolution of Canada.

What you have before you would constitute a significant step forward on the part of governments, an explicit recognition of a right to self-government and a meaningful commitment on the part of those governments to work out detailed agreements so as to give substance to self-government.

I think I can fairly say -- and I hope that the objective analysis will sustain this view -- that this is a far cry from proposals which were considered by First Ministers in 1984 at the beginning of this process. I think it can be safely said that the proposal which is before you this morning genuinely breaks new ground and seeks new leadership to achieve the objectives that are common to us all.

There was a letter in the Globe and Mail which was brought to my attention, because I do not read

the newspapers any more, except the local papers in Manicouagan which I read all the time, that is important. It is signed by the aboriginal leaders. It says:

"The Globe and Mail is unquestionably correct when it suggests that political negotiations are required to determine the distribution of power between governments. But to expect aboriginal people to forgo protection of our right to self-government for the sake of entering into political negotiations is tantamount to having Canada's linguistic minorities waive their protection under the Charter of Rights and Freedoms while attempting to negotiate their rights."

No one is going to get spooked by that. That is pretty straightforward and understandable stuff. If you asked anyone else in Canada to accept less, you have a pretty serious argument on your hands.

So the principles set out in that particular quotation from aboriginal leaders I think are reflected fully in the approach being suggested by the federal government today.

Je dis tout simplement aux dirigeants provinciaux qui peuvent penser que ce genre de démarche est trop risqué et

qu'il laisse peut-être trop de choses à la discrétion des tribunaux.... je dirai simplement que l'élaboration d'une constitution comporte toujours un certain élément de risque.

Further, I am confident that we have in this amendment the type of wording which will ensure the resolution of something that has concerned some of you around this table, which was addressed yesterday, that this amendment and this type of wording will ensure a manageable process, given some of the very serious practical problems raised yesterday by Premiers, ranging from the Premier of British Columbia to the Premier of Alberta.

Make no mistake, the amendment requires all governments to get down to business and negotiate meaningful self-government agreements with the aboriginal peoples. This is not a mere statement of principle or intent but a firm commitment which aboriginal peoples have demanded over the decades and which we acknowledge they must have.

Let me say just a word about some of the detailed content of the draft amendment. Details have killed more amendments than they have given birth to, and the language is not always the most poetic that one can summon, but it is the best that two o'clock in the morning can sometimes produce, and I think it faithfully reflects the sentiments expressed yesterday.

In preparing this text, we have listened to the aboriginal people and many governments who have insisted that the recognition of the right to self-government

be explicit. This reflects the idea originally advanced by Nova Scotia at an earlier stage of discussions. We have also listened to governments who have objected to entrenching self-government before it was defined. Premier Getty stated yesterday that the evolution of the Canadian political system has always involved developing a clear definition of the principles of self-government first.

In order to attempt to address some of the concerns of Premier Getty and other First Ministers who have argued in the past that we must define before they sign, we have included a clause to provide that the specific jurisdictions and powers of aboriginal governments would be determined and defined in accordance with negotiated agreements.

Nous avons également retenu une notion mise de l'avant dans les projets de l'Ontario et du Nouveau-Brunswick concernant la non-dérogação aux pouvoirs législatifs des gouvernements fédéral et provinciaux.

Les peuples autochtones nous ont toujours répété qu'ils doivent être convaincus que les gouvernements sont déterminés à négocier des ententes relatives à l'autonomie gouvernementale.

This was a sticking point in 1985. An agreement, I think, alluded us on that issue.

In the words of Premier Devine, in reference to this, he said: "I believe that this should be a solid commitment and I therefore believe it should be reflected in the highest law of the land."

When one combines the recognition of the right to self-government with this constitutional commitment, which we are suggesting we undertake, I think that the aboriginal peoples can be assured that meaningful arrangements will result in that orderly and, I think, thoughtful way that First Ministers, in some considerable measure, are suggesting.

Certain governments have expressed concerns about having a constitutional commitment to negotiate, due to the uncertainty of what that commitment would involve. I think, however, that we do at least have a basic idea of what that commitment might mean.

Zebedee Nungak reminded us yesterday of the

self-government arrangements for Inuit and Indians in northern Quebec. Notwithstanding this experience, I understand that some governments want a better idea of what negotiations might involve.

Our draft provides for a preliminary phase of discussions which would address the questions of scheduling, nature, and the scope, of negotiations. These discussions -- and this is a very important point for those who have raised the concerns about the absence of manageability -- these particular, specific discussions would, in my judgment, ensure a manageable negotiations process.

Furthermore, to address the concerns of groups such as the Native Council of Canada, these preliminary discussions would enshrine equitable access to the negotiation process.

We have drawn upon the suggestion of Nova Scotia and the Métis National Council and the Native National Council for the inclusion of a list of subject matters which could be addressed in negotiations in order to give us further guidance.

Aboriginal peoples have insisted, from the outset, that their rights be given constitutional protection. The draft, I think, achieves this result by deeming these rights to be treaty rights, upon approval by Parliament and the provincial legislatures concerned.

I realize that agreement will not come instinctively or easily. If that were the case, this

would have been done 100 years ago. I realize that aboriginal leaders may not agree with the principle that provincial legislatures should have a role in establishing constitutional protection for self-government. But I would emphasize that what we have heard from the governments supporting this notion at this table is that such an approval requirement reflects the positive role which they are prepared to play in the establishment of self-government. It is not intended to be used as a veto power. It reflects the reality that the realization of the self-government aspirations of aboriginal peoples is a joint responsibility of the federal and provincial governments and the aboriginal peoples concerned.

Premier Hatfield's proposal reflected his concern that the establishment of aboriginal governments should not remove the protection which the Charter of Rights and Freedoms now affords to both aboriginals and to all Canadians.

Our proposal ensures the continuance of this protection of rights and freedoms.

En outre, collègues, il accorde aux administrations autochtones les mêmes possibilités que le Parlement et les assemblées provinciales d'adopter des lois applicables par dérogation à la Charte. Certains dirigeants autochtones reculeront peut-être devant cette application des normes de la Charte aux administrations autochtones. Je leur répondrais que la Charte a été conçue de façon à tenir compte des droits des peuples

autochtones. En vertu de l'article 25 de la Charte, aucune de ses dispositions ne doit porter atteinte aux droits des peuples autochtones.

I would further point out that the charter contains a reasonable limits provision in section 1 which allows governments to limit rights set out in the Charter, so long as those restrictions can be demonstrably justified in a free and democratic society.

Given these provisions, I don't believe that it would be unreasonable -- I don't think so -- to ask aboriginal governments to live within the spirit and letter of the charter as do federal and provincial governments today.

Section 35.05 is designed to respond to the most fundamental concern of the aboriginal associations. The ICNI asked us to ensure that we allow aboriginal peoples, of course, to retain their pride by not diminishing the rights which are now in section 35, quite properly.

While most governments do not agree with the proposition that self-government is one of those rights, the proposed draft would ensure that the position of aboriginal peoples would not be prejudiced.

Finally, we have inserted a provision which would require a further First Ministers' Conference within 10 years of this amendment in order to evaluate the process we will have established. Several Premiers, principally Premier Ghiz from Prince Edward Island, discussed this idea and others seemed to favour it for, I believe, two

basic reasons.

D'abord, nous nous rendons compte que si nous parvenons à une entente, tous les participants devront faire des concessions. Et ensuite, le processus que nous aurons mis en place est totalement nouveau et n'a jamais eu de précédent.

It will undoubtedly have its growing pains and we will all learn valuable lessons as we proceed. This future conference, enshrined as it will be, will provide us with an opportunity to reflect on the lessons learned, as Canadians, and consider any necessary modifications to the constitutional amendment or political accord. This is in the interests of both governments and the aboriginal people.

We will all want to ensure that the process unfolds as we had intended and that, in practice, we achieve our objective of making self-government a reality.

In summary, colleagues, I want you to reflect very carefully on this amendment. It reflects, I believe, the spirit of negotiations and compromise which has marked our discussions thus far, and which is the hallmark of the Canadian federation and will, in my view, achieve our common objective of meaningful substantial control by aboriginal peoples over their own affairs.

In considering your response to this proposal, I urge you as well to consider the consequences of not reaching agreement.

We have an opportunity to show all Canadians

that we are ready to put aside some of our differences and get down to the task at hand, the realization of aboriginal self-government.

If we fail to agree now, it may always be argued that governments of the future will resolve this issue.

Someone said yesterday in private conversation, "Well, if it doesn't work..." -- it was told to one of the First Ministers -- "...well, it can work out in 500 years."

Well, that is possibly true. None of us will be around then but someone will be there to reflect upon the tragedy of Canada having waited another generation, or another series of generations, to achieve. It is something which surely is within the grasp of committed Canadians and human beings.

The implementation of aboriginal self-government is something which is required now. The proposal I tabled this morning represents, I genuinely believe, is certainly my best effort to respond to what I have heard around this table yesterday -- and which I have heard around more tables than I can remember, or care to contemplate, since our conferences leading up to the last First Ministers' Conference in 1985.

So this document today does not have any suggestions of perfection. It is not cast in concrete. I am open to suggestions that would generate consensus and improvement around this table.

But there are only a few hours remaining. Time has just about run out on us. I think Canada requires action and leadership from us now. I invite all of us -- First Ministers, Ministers and aboriginal leaders -- to respond to that call from Canada and to provide that leadership now.

Premier Hatfield.

HON. R. HATFIELD (New Brunswick): It seems to me that the time is now for the dynamic to be expressed in a private session of Premiers and aboriginal leaders. You have strived and you have found a space between what is wanted and what is possible here.

I have had a few very quick chats with people and I know there is still a will to find a resolution of this and I would suggest that we go into private session and let that dynamic out and see if we can't find a successful compromise.

THE CHAIRPERSON: Premier Peterson?

HON. D. PETERSON (Ontario): I agree, Prime Minister.

THE CHAIRPERSON: Colleagues we will meet upstairs, all of us, in private session in 10 minutes.

---RECESS/AJOURNEMENT

FIRST MINISTERS' CONFERENCE
ON ABORIGINAL CONSTITUTIONAL MATTERS

CONFÉRENCE DES PREMIERS MINISTRES
SUR LES QUESTIONS CONSTITUTIONNELLES
INTERESSANT LES AUTOCHTONES

VERBATIM TRANSCRIPT

(unrevised)

Afternoon Session of
March 27, 1987

COMPTE RENDU TEXTUEL

(non révisé)

Séance de l'après-midi
du 27 mars 1987

--- 13:30 /13h30

THE CHAIRPERSON: Colleagues, I want to take a moment to report to you and to the public on the events of this morning which have failed to produce hoped for results.

I would just make a brief comment, after which I would ask the principal participants to also feel free to make a brief comment.

On behalf of the Government of Canada, I want to express serious disappointment that we have been unable to summon the support required to endorse and entrench a constitutional amendment on behalf of Canada's aboriginal peoples. Some day there shall be success in this area and all Canadians will be enriched by the achievement.

Je suis particulièrement déçu du fait que, compte tenu des déclarations éloquentes d'intentions exprimées, la conférence n'ait pu retenir une formule qui permettrait aux peuples autochtones d'entamer finalement le processus vers la justice sociale et constitutionnelle.

I put forward a draft amendment this morning, having reflected very carefully on comments made around this table and having considered very carefully the remarks that were made at various private meetings by First Ministers and by aboriginal leaders. I put forward the draft amendment in the knowledge that the issue was complex, perceptions were different and differences were real, but in the genuine belief that it

would bridge some of those differences and begin the process so urgently required for that plateau for our aboriginal peoples to begin the ascent towards equality and justice.

I put forward that draft amendment in the belief that it would advance demonstrably the cause of Canada's aboriginal peoples, that it would do so without paralyzing or disrupting federal-provincial-aboriginal prospects and growth and that the draft would not in any way -- in any way diminish any right held by any aboriginal. So I think that the draft amendment with its imperfections broke new ground and, in my judgment, represented new hope for Canada and our commitment to justice for our native peoples.

I genuinely regret that the draft amendment failed to generate the support required to make it a reality.

One day we shall succeed, but this constitutional process has now come to an end. If this part of the constitutional process has come to an end, my resolve is undiminished. There shall indeed one day be constitutionally entrenched guarantees of equality and fairness for all aboriginal peoples. My Ministers and I shall remain in close communication with First Ministers and with all members of the aboriginal leadership.

As we watch the evolution of our society and as we pursue these meetings, if in my judgment a new meeting or conference would be helpful and productive,

I shall not hesitate to call one. But let us not be under any illusions. There shall be a price to be paid for our failure. I don't want anybody leaving this room or leaving this city today under any illusions about that.

Unfortunately, those called upon to pay the largest share of that price shall be those least equipped to pay it, namely the aboriginal peoples who have paid an unfair share of that price for an unfair share of time. But the concept of self-government remains alive. It remains an ideal to which many of us are committed.

I make these comments without aspersions of any kind. People have spoken frankly and productively and if we failed to reach agreement today, it does not, I think, diminish our commitment to seek and achieve one in the future.

So I thank all of the First Ministers and all of the aboriginal leadership, even though we did not succeed today. I thank all of you for your time over many years. You have the assurance of my continued commitment to find a solution with you to this compelling issue of human rights and fundamental dignity for our aboriginal citizens.

I have indicated that participants will of course have the opportunity to say a few words as we wind down. May I turn to Premier Peterson.

Hon. D. PETERSON (Ontario): Prime Minister,

I thank you. Like you, I have a great sense of disappointment. I am sorry that we were not able to respond to what I believe to be the will of the people of this country, and clearly respond to what I see as a matter of justice and equality.

I think sometimes we lose sight of the fact that we are talking about people. We are really not talking about constitutional amendments. We are only talking about constitutional amendments in the sense that they affect people, our aboriginal people and our relationship with those aboriginal people. There is not any Canadian who does not have some sense of guilt about the relationships over the past hundreds of years.

We came on Wednesday night with a sense of, at least I did, optimism, hoping that we could at least to some extent put the past behind us, that we could rebuild the foundations of a relationship and put the enormous creative energy and talent of the leadership of this country, aboriginal as well as political leadership, into building for the future rather than refighting some of the past wars.

We have failed in that process. A lot of people were trying to make accommodations, reaching forward. Unfortunately, it did not all come together, and I regret that very, very much.

I even saw, Prime Minister, a hardening of the positions over the last couple of days. As the Conference developed my optimism went a little bit with it at the same time.

I take an existentialistic view. I believe very strongly in the nobility of the effort. I respect very much the colleagues with whom I have sat around this table in the last couple of days and the efforts they have made, and I also believe very much in the nobility of the cause. I am hoping we do not leave here without a sense that we should return some time, we should continue our efforts. Nation building, after all, is a dynamic process. It is not a static process, and even though we were searching for the big breakthrough, the big solution, the mega solution, as you may say, perhaps we have to go back now and rededicate ourselves to a number of mini-solutions or mini-breakthroughs.

Ontario will continue in the future, as it has in the past, to try to develop towards self-government with a number of agreements. Some progress has been made. We have much left to do. The cause remains before us.

It is my hope, Mr. Prime Minister, and as you know we have another 40 years to go in our mandate in Ontario, we hope and I would hope to see progress on this matter at some point in the future.

I still think, in spite of our failure to reach an agreement, there has been an enormous amount of goodwill, candor expressed and genuine understanding of each other's positions. I do not think there was one position was held with malice, or one position that was

not well thought out, or one position that in any way tried to diminish other people's importance or roles in this country.

It is one of those unfortunate things in the process that we just could not come together. It is not the first time in the history of this country and I suspect it will not be the last. I hope we can dedicate ourselves to finding other solutions. We have many more meetings ahead of us. Perhaps the time was not right. There was some heroic leadership demonstrated by many people. Perhaps the time was not right, as I said, and there will be other times and other occasions.

I know that none of us will forget the importance or the justice of the cause. Thank you, Prime Minister.

THE CHAIRPERSON: Thank you, Premier Peterson.

Premier Pawley.

Hon. H. PAWLEY (Manitoba): Thank you, Mr. Prime Minister. I, like yourself and Premier Peterson, am severely disappointed by the lack of progress, the fact we were not able to accomplish a successful conclusion to the discussions we have been participating in and after five years of extremely hard work on the part of so many, and I realize as well the heightened expectations, the commitments to action that we can all agree around this table that

we simply cannot give up now.

We must redouble our efforts, because I sense, despite the fact that there was an inability during the two days we have met, that there was a tremendous store of goodwill, I believe trust, a lot of candor amongst First Ministers, aboriginal leaders, territorial leaders. Your own efforts, Mr. Prime Minister, that I think contributed a great deal in an attempt to bring us together, certainly spell, I believe, well for us to continue and redouble our efforts over the period that lies ahead.

I think that Canadians are becoming increasingly conscious of the fact that the status quo is unacceptable. Having sat through these conferences, the third such conference now, I believe that that understanding on the part of Canadians who are watching these proceedings is much greater, much more informed than four or five years ago, much greater willingness to see progress, to see action on the part of us all in achieving the objectives that were set, namely, ensuring the entrenchment of the right of self-government by aboriginal peoples.

We could have changed direction today. We did not. The problems are not going to go away. They will have to be dealt with.

Mr. Prime Minister, I was encouraged by your suggestion that we ought to consider a future meeting. I would suggest that we consider a future meeting after we have had an opportunity to examine the Inuit proposal. If we can, indeed, come together, I think we might be able to achieve a commitment.

I think we have made a reference to this conference as having been a failure. It has not been a failure by any means. We have made a few steps in the right direction. That journey is far from complete.

If we, as leaders around this table, cannot complete that journey, as you, yourself, mentioned, there will be other leaders that certainly in the future will come along to complete the journey to the end result, the end destination, which we seek.

THE CHAIRPERSON: Premier Getty.

Hon. D. GETTY (Alberta): Prime Minister, when we started on Wednesday, it was quite clear to me that we all shared a desire. We have been unable to achieve it for now, but, from my perspective, I would like to express Alberta's appreciation for the effort that was put into trying to achieve that desire.

I think we did break new ground. I

I felt we progressed. To the leaders around the table, I know that all of you have tried. We tried as well.

For now, we have not accomplished our goal, but it does not end here. We are going to go back to Alberta. We are not going to protect any status quo. We are not going to be defensive or reluctant. We are going to continue to move to provide the unique forms of self-government to the aboriginal people in our province.

As for the draft this morning which you presented, again, our congratulations on the effort that went into it. I must say that we did not see it as a form that could be used to amend what we expressed as the most important law in our country.

To the aboriginal leaders who could not support the draft either, Alberta did not come to this meeting to, in some way, try to out-negotiate anybody. We did not try to get a step up on anybody. We felt the draft this morning, while it was flawed from our point of view, as expressed by Premier Peckford, it was flawed from your point of view. We would not want to sign it, even for that reason, or agree to it or use it for an amendment. That could well hurt you and, if that happened, we would feel that we were the losers as well.

We will keep trying. We do not consider this a failure or a tragedy, as I have heard some

describe it, because it has moved us together further along the trail where we all want to get to.

We are leaving here without an amendment. That does not stop Alberta's commitment to self-government in our province. We are going to go home and we are going to provide lands to Alberta's aboriginal people, as I described yesterday. We are going to provide self-government and lands on 1.28 million acres for a group of our Métis people. As Premier Ghiz and I were discussing, that is bigger than his province.

We are going to have that land base put into the Constitution. We are going to amend the Constitution and provide that land base.

Then we are going to deal with other aboriginal people in the province to see how we can allow them, as well, to work with us in a way that meets their desires for self-government, for a land base that provides them with a means for economic development.

I do not see this as a great failure. I do not see it as a tragedy. I see it merely as progress along a road. We intend to keep making that progress. We intend to keep working with the people in our province and with the other Premiers here and with the aboriginal leaders. We are prepared to meet at any time to continue should you, Mr. Prime Minister, find that there is a moment in time when it looks

like we could make additional improvements.

We leave just as committed to self-government opportunities for the aboriginal people in Alberta. We are going to do that. We are going to do it by legislation. That legislation will then be used to protect them from ever having that taken away from them. To the extent we can, with the lands, we will put it into the Constitution.

I believe aboriginal self-government can be realized, and we are going to continue to work towards it.

THE CHAIRPERSON: Thank you, Premier Getty.

Premier Buchanan.

Hon. J. BUCHANAN (Nova Scotia): Prime Minister, I certainly agree with those who have just spoken, that it is disappointing that we have not been able to arrive at an equitable solution to the problem at this conference.

We came to this conference in spirit of good will, cooperation, and will and desire to do the right thing by the people of Nova Scotia, the Indian people of Nova Scotia, the aboriginal groups of Canada and Canada itself.

I want to say at the outset that there is no doubt in my mind, Mr. Prime Minister, and I am not in any way patronizing you when I say with great sincerity that you have with determination, compassion and tenacity attempted to arrive at a positive, equitable solution at this conference. I think everyone at this table would agree with that, that you have demonstrated to all your own very personal desire and will to accomodate in what I consider to be a most reasonable sense the reasonable aspirations of all involved in this what I consider to be a most useful exercise.

I agree with Don Getty, this has not been a complete failure. New points have been advanced, differences of opinion have been expressed, and there is no doubt that everyone around this table who has spoken and negotiated in this matter has done so in good faith and sincerity, but this country is a complex country, we all know that, and this issue is a most complex issue. Grant Devine has mentioned that on many occasions, and I agree.

Maybe it is too complex for us to conclude an agreement in a conference of this nature, even after the number of years we have been working on it, because this is again, as I say, a very complex country.

You asked the question, what have we been attempting to do here, and I suppose that question would get 17 different answers around this table from 17 participants. My answer to that question, maybe rather simplistic but my answer to that question was that we should have achieved progress in an agreement. Again, in my opinion, we would have achieved progress in an agreement based on the draft which you had presented to us, which is a draft made up of a lot of ideas and opinions on the draft proposal.

We had presented a proposal from Ontario, a proposal from New Brunswick, along with the opinions of many others around this table. In my opinion, that draft, with a few changes, would have represented progress.

What is progress? In my opinion, again very simplistic, maybe, but progress simply means making tomorrow better than today. And for the aboriginal peoples and for people in Canada, that progress would have been represented in that document, I believe, because it would have represented a change from the status quo at present. It would have represented progress because all existing rights would have been maintained and scribed in stone that could not even be cut with the best of equipment, and it would have given something new, it would have

entrenched self-government in the Constitution, and that is new. So that, to me, would have represented progress and in a number of years, in that document, we would have come back to this table and see if it had worked.

That would have been progress but, unfortunately, it was not in the cards. Again, I must say that it was not in the cards, not because we all did not have a desire but maybe the time was not right to do it, maybe other factors have come in.

I do not believe this is the end of it. This might be the conclusion of this conference but we are certainly prepared, myself and my ministers are prepared to come back at your call, sir, at any time to see if we can achieve the desired result, and that is to end up with a positive, equitable agreement in which we can have the consensus -- not just the legal requirements but hopefully everyone agreeing on the document which I believe we can achieve some time in the future. When that is, I do not know.

THE CHAIRPERSON: Thank you, Premier Buchanan.

May I turn to Premier Vander Zalm, please?

Hon. W. VANDER ZALM (British Columbia: Thank you, Mr. Prime Minister.

It was uncertainty or it is uncertainty that the aboriginal people perhaps suffered from most, and it was uncertainty that made the last proposal that was put forth unacceptable to the aboriginal people. It is also uncertainty that caused a number of others at the table

to question the various other proposals.

We have learned a lot from each other but there remains a lot to be learned. As we all become more informed, hopefully certainty will arise and acceptable agreement can be reached. In the meantime, the government of British Columbia will expand opportunities for self-government at the broad level, and we are committed to expanding educational, health, social service and economic development opportunities.

Mr. Prime Minister, I thank you for the tremendous effort on your part to fairly attempt to put it together, and I regret that an agreement could not be achieved.

THE CHAIRPERSON: Thank you, Premier.

J'inviterais le représentant ou les représentants du gouvernement du Québec, dont les interventions ont été fort constructives, d'ailleurs, tout au long de nos séances... j'inviterais monsieur Rémillard à dire le mot de la fin en ce qui concerne cette conférence.

M. GIL REMILLARD (Quebec): Monsieur le Premier ministre, il est difficile de terminer un processus constitutionnel comme celui-ci sans atteindre le résultat escompté. Je partage et je comprends la déception des autochtones et de tous les gouvernements qui avaient mis tant d'efforts pour réussir un projet essentiellement inspiré par l'équité et la justice.

Je me refuse, monsieur le Premier ministre,

pour ma part, à parler d'échec. Nous avons, pendant ces deux jours, discuté sérieusement. Nous avons discuté sincèrement, et nous rentrons chez nous après ces deux jours de discussion plus sensibles que jamais à la réalité autochtone, plus sensibles que jamais à cette nécessité de respecter les droits des autochtones et d'appliquer les droits des autochtones.

Monsieur le Premier ministre, je veux saluer la façon avec laquelle vous avez réussi avec tant de sincérité à présider cette conférence. Les résultats ne sont pas peut-être comme vous l'espériez et comme plusieurs l'espéraient dans un premier temps, mais nous sommes dans un processus, nous sommes définitivement engagés dans un processus; et, en autant que le gouvernement du Québec est impliqué, je veux assurer les peuples autochtones du Québec que nous continuerons à discuter énergiquement, sincèrement avec eux pour le respect de leurs droits, le respect de leurs traditions, le respect de leurs droits comme peuples autochtones.

Je vous remercie, monsieur le Premier ministre.

LE PRESIDENT: Merci, monsieur Rémillard, monsieur le Ministre.

J'aimerais maintenant passer au Premier ministre de l'Ile-du-Prince-Edouard, monsieur Ghiz.

Hon. J. GHIZ (Prince Edward Island): Thank you, Prime Minister. I too am disappointed that we

did not achieve a constitutional amendment that would have given the aboriginal peoples of this country the dignity which they sought at this table. We have done as best we could. It just was not in the cards to get an agreement.

I want to commend you, Prime Minister, and the federal government for the great deal of work that you went through throughout the night in producing a "best efforts" draft. While we, from Prince Edward Island, along with several of the other provinces, were prepared to support that draft and would support that draft, it unfortunately did not meet the test of at least four provincial government; and even if it had met that test, it did not meet the test of the aboriginal peoples.

The idea of self-government is still there, the idea that the native people of Canada be made to feel comfortable so that they can achieve their destiny in this country, Canada, we all love so well.

I want to express just two concerns, Prime Minister, in conclusion, and one is the concern that the tripartite process which has been underway for some time now, if at all possible and under the right circumstances would continue; and, as Premier Peterson has suggested, we now must proceed on a less grand scale than a constitutional amendment. I am hopeful, Prime Minister, that we will be able to proceed on the principle of equity of access.

Thank you, sir.

THE CHAIRPERSON: Thank you, Mr. Premier.

The Leader of the Government in the Territories had to leave. May I ask Mr. Patterson to speak on behalf of the Territorial government, please?

MR. D. PATTERSON (NWT): Thank you, Mr. Prime Minister.

Our people in the Northwest Territories will be very disappointed with these results, especially our aboriginal majority.

It was a failure. A major historic opportunity has been lost, and it is going to be very hard to explain why.

But as we said at the beginning of the conference, and as Mr. Peterson and Mr. Pawley have said, over the past five years we have come a very long way, I believe, in understanding and mutual respect. We have got to know each other much better now. We have come much closer to agreement in the relatively few meetings we have held, though the fundamental problem still is the lack of definition of the scope of self-government.

Maybe we do need more time. Maybe we need the Province of Quebec involved. This was a huge task. Maybe it was a bigger task than we all realized. We are going to still keep on working at constitutional development within the Northwest Territories, as we have been for many years.

May we take this opportunity, on a positive

note, to endorse your suggestion, Mr. Prime Minister, and that of Mr. Ghiz, that whether it is through a constitutionally-entrenched process or not, that we should keep on meeting.

We were encouraged that you will consider convening another meeting. We want to keep on meeting. The Northwest Territories is prepared to continue to be fully involved because we believe that the Canadian Constitution is not yet complete without the full participation of Canada's aboriginal peoples.

Native language / Langue autochtone

Thank you.

THE CHAIRPERSON: Thank you, Dennis. Thank you very much.

May I turn to the Premier of Newfoundland and Labrador, Mr. Peckford, please?

Hon. B. PECKFORD (Newfoundland): Mr. Prime Minister, first of all I think I would like to compliment you on the handling of this conference and the tremendous efforts that you, personally, and your delegation have made to try to do something here that perhaps was impossible to do at this point in time. Yeoman efforts were put into it. I think all of the delegations are to be complimented, as well as the leaders of the aboriginal peoples.

This is a difficult process. As I tried to explain to the aboriginal leaders privately and publicly, I know how difficult it is.

We have an agreement now called the Atlantic Accord which we have yet to get agreement on to constitutionalize. I say that by way of reference that we do agree that agreements reached with aboriginal peoples should be constitutionalized.

We do have areas of fisheries jurisdiction where we lack the ability to self-determination and to grow and to prosper in the same way as many of the aboriginal peoples are now seeking.

I still do believe very strongly that a lot of progress can be made between the governments of Canada and the aboriginal peoples on ensuring that self-government agreements are reached, and that the aspirations of the aboriginal peoples are realized. I firmly believe that.

I believe what Mr. Getty says he means. I believe what Mr. Devine says he means. I believe what I say I mean. We have taken the position in Newfoundland and Labrador that we are prepared, as a government, to sit down and begin that task.

As we always say, local conditions are extremely important. They are going to vary within regions of provinces, as well as within regions of the country. We believe that we can advance the aspirations and hopes of the aboriginal people in a real and meaningful and pragmatic way. We are committed to that task and will continue to be committed to it.

I find myself in the position of saying to the aboriginal peoples of Newfoundland and Labrador that, as the leader of that province and with the support of, I am sure, by far the majority of Newfoundlanders and Labradorians, that we want to go on from here tomorrow to begin the task of negotiating, to make real and meaningful to those people, our desire to ensure that they are full participants in the ongoing development and prosperity -- hallelujah some day -- of Newfoundland and Labrador.

Thank you.

THE CHAIRPERSON: Thank you Premier.

Mr. Penikett, please?

MR. T. PENIKETT (Yukon): Thank you, Prime Minister. Obviously in the last two days we have had a meeting of bodies, but we have had no meeting of minds.

I want to express my admiration and appreciation for your efforts, sir. I think had we succeeded in reaching an agreement here it would have been in no small part a tribute to your labours and your energies.

I want to, as well, compliment Premiers Peterson, Hatfield, Ghiz and Pawley, and pay tribute to the vision and passion of the aboriginal leaders at this end of the table.

Some decisions are going to have to be made about where we go from here. If there are other meetings indicated, or another meeting like this indicated, my guess is that we need a lot more agreement going in than we have

had, in order to make it worthwhile.

If we are going to pursue, as some have suggested, the section 38-39 process, a resolution in Parliament, followed by resolutions in the provincial legislatures, then I think we will need prior agreement of the text by the aboriginal groups before I think we can seriously contemplate that.

I must say, like others, I am saddened by the great divide in consciousness among the parties here. I guess our lawyers are all still telling us different things; and we have many varying perceptions.

Perhaps, Prime Minister, to break the log jam, we should do a pre-season trade and swap all our lawyers and we might produce some new understandings that way.

THE CHAIRPERSON: Mr. Hnatyshyn is going to have you arrested.

MR. PENIKETT: Mr. Prime Minister, the Yukon government will, of course, continue to pursue these issues in our land claims negotiations. And with the necessary federal commitment I think we can achieve some success there.

Prime Minister, in closing, all I can say is that with the sufficient determination by your government and ours, and that of the Northwest Territories, perhaps in the end the people of the North can show the way, and in the Territories we can achieve the kind of goals described earlier by Premier Peterson and others in

the North and become an example for the rest of Canada.

Thank you.

THE CHAIRPERSON: Thank you, sir, for your presence and your comments.

Premier Devine, please.

Hon. G. DEVINE (Saskatchewan): Thank you, Mr. Prime Minister. I, first of all, want to congratulate you and the First Ministers and the aboriginal leaders for sincere efforts over the last couple of days.

I know the people in this room have really tried. We are all disappointed that we haven't been able to agree on the right changes in the Constitution.

I would say, Mr. Prime Minister, that your imaginative and, in my view, generous proposal was rejected by both native people and several provincial leaders for similar reasons: a genuine fear that we may both be worse off than we are today.

When I look at what happened today, it seems to me we were closer to an agreement in 1985 than we were in the last couple of hours. The reason is because the longer we looked at the Constitution as a magic document that mystically corrects our social, economic and cultural problems, the more we realized that a Constitution cannot replace the historical success generated by goodwill and common sense between all people in our communities.

I certainly know that you tried your best. We all tried our best, but there are simply too many differences that still divide us. That is not anybody's fault. These are complex issues and we are complex people. That is why we still are in so many different camps, for many legitimate reasons.

I can say, Mr. Prime Minister, that this may be the last constitutional conference of this particular kind, but it is not the end of our commitment to aboriginal people. A constitutional amendment may not have solved all our problems, and the lack of it will not prevent solutions.

As I said yesterday, we have laid the foundation on which we can continue to build. We will go home, roll up our sleeves and sit down with the aboriginal people of our province, and the federal government, and communities, and solve real problems of aboriginal people. When we do that, we will accomplish and practise what we have not yet been able to put in

the Constitution in so many words. Really, Mr. Prime Minister, that is what it is all about in the final analysis anyway.

So the process of progress has not ended, Mr. Prime Minister, it has just begun.

Thank you.

THE CHAIRPERSON: Thank you, Premier. Chief Erasmus, may I turn to you.

MR. G. ERASMUS (Assembly of First Nations): Thank you, Mr. Prime Minister.

I would like to let you know that I just lost a bet. We just had a bet here that it was going to be a replay of last time and we were going to be the last -- we were going to be the closing speakers.

We would like to start out by making it very clear that we appreciate the political will that we saw demonstrated here. A lot of people have talked about a failure. The problem with speaking that way, without the people of Canada understanding what we were looking at here, and listening to only our good speeches, and then going behind closed doors to talk in some detail about what we could not live with in the agreement is that somebody eventually is going to have to explain what it is that we could not agree with, because there were certainly a lot of wonderful statements made to each other.

Very briefly, I would like to point out some of the reasons that the Assembly could not live with

this particular document. I would like to state that you made it very easy for us. You took a great responsibility off us, because we did not have anything we could even debate amongst ourselves about. The Assembly is absolutely unified on it. I would like to say that it is wonderful on this side that all the aboriginal people are unified on this.

The document makes it very clear that what we are talking about is a contingent right. We would have really no rights unless the provinces gave us powers, or, really, the federal government gave us powers. You were not recognizing the pre-existing right, you were creating a right, and I think the Assembly came here, and I think the other aboriginal people came here very seriously prepared to look at something that we could live with. We came with a lot of goodwill, but we also came with a very clear position. We were told by our people not to injure our treaties, and we are very concerned with the lack of attention the treaties have received in this process. I think people across the country are extremely concerned with the fact that our treaties have not been dealt with very well.

Their proposal did not deal with the ability for people with existing treaties to be able to renovate their treaties or modernize their treaties or amend their treaties.

The proposal that you have brought forth had some improvements in some areas, but when you took

it altogether it was not something we could deal with very seriously. It would have been a very powerful way of forcing provinces to consider negotiating. But, as you said yourself, in one of our private meetings, there would be no way of ensuring that we would arrive at agreements.

I do not think that you wish us any real harm. I would really like the Canadian people to know that yourself, Mr. Prime Minister, your Ministers and the Premiers, demonstrated, I thought, a lot of political will, a lot of goodwill, but whatever it was that was necessary to arrive at an agreement that would protect our rights, that would enhance our rights and make our existing rights more clear, was just not what was before us today.

I think what you tried to do was put together a compromise position that did not really satisfy anyone, but maybe in the tradition of Canada that we are developing it was supposed to be a compromise that would satisfy no one, but it would be a start. On our part, the Assembly, with our chiefs, with our staff, in our communities and in our many regions across the country, have looked at this. We have looked at this many times. Could we live with an agreement that stated: Until we had a government where it received its powers, either from the province or the federal government, and the Constitution recognizes that you have nothing until then, could we ever live with it? Could we take

that great leap of faith and actually encourage a statement in the Constitution that we had nothing until we were given something? The answer always was the same, Mr. Prime Minister. It was always clear. It was always unequivocal. It was virtually never. It was virtually, we cannot do that.

We started yesterday with the reading of the Wampum Belt because we believe in our hearts. We are not fabricating it. We are not living an illusion. We believe there was a tremendous deal made when your forefathers first came to this country. Our forefathers said, "Yes, you can have access to our resources and you can live amongst us. We have lots. We have plenty. You can have access to our lands." But they were surprised that your forefathers were prepared to pay for that. At that time, when there were so few amongst us here, and they could barely survive our winters without our help, I guess they really needed us. They recognized then that that meant we would govern ourselves. We firmly believe that your laws now implicitly recognize that. We were prepared to come here, we thought, with a realistic position. Some people out there try to paint us as unrealistic. We do not think so. We were coming here with what we thought were moderate proposals, sincere proposals, and you would recognize that we continue to have an existing right.

Our right, not a gift, not a gift from the province or the federal government, or not a gift from the Canadian Constitution, not a gift back from the Canadian public. Our right. The right that our forefathers have never ever given up, to govern ourselves.

We made it plain that once you recognized that general right, we would be more than prepared to sit down across this country, first nation by first nation, to work out precisely what it meant, what land was involved, what population was involved and how we would live with you. How our jurisdiction would overlap with your jurisdiction.

But we also made it very clear that even though we were here and some of our people were outside demonstrating against us, because we were sitting here with provinces, we were here to amend the Constitution, not to expand the way in which provinces can interfere into our lives. We made it very clear and we made it consistently clear we were never prepared to let provinces have their thumb over us like we now have the federal government.

We made it clear to you two years ago, we could not live with an agreement where the only way we could get our specific treaties was by going to the provinces and having them give their approval. We have been told here in a nice way that

they are going to be there because they are generous people and it is not a veto. All you have to do is you have to go from one end of the country to the other. You look at Lubicon, what is happening with those people. Is there tremendous good faith so that the people of Alberta, who have never signed a treaty, have never extinguished their land rights; are their rights being dealt with properly?

And British Columbia. Nothing says in the Constitution now that the Province of British Columbia has to be at the table. We have never been able to move on land claims in British Columbia, because of the total reluctance of the province to move.

I could go on. What is going on in Labrador now with Innu there. We have a couple of Innu here that are in house arrest for hunting caribou. Those people, what did they do to surrender their rights? Nothing.

We were more than prepared to sit here and work out a way in which we could together, sitting down across the table, as partners on a tremendously important journey, we called it completing Confederation.

We do not think this was a complete failure by any means. One thing happened that was very useful here. The aboriginal people who are sitting around here historically have been divided. We have been divided because we have been treated

differently. Our rights have been treated differently.

Some of us have been recognized as treaty Indians. Some of us have been recognized as people who have no status. I mean, how can you call human beings people with no status? Historically we have been divided. I think what happened over the last five years is that we have come to realize that we must work together, that basically we have the same problems and that the first allies we have are each other. It has been absolutely wonderful, the beginning of the solidarity that is starting to be wedged between us, starting to be fabricated between us, which I think is going to mean that we will succeed.

The business that we started is not finished, Mr. Prime Minister. I know you will give it seriously thought, what we should do. I do not think you can just walk away. I do not think you can just leave this conference and go about your business and let this process hang.

There were many compelling reasons. There is no reason for us to give you the long litany of reasons why the work is required at this level first.

For our people at home, our chiefs, I want them to know that even though we have missed a wonderful opportunity, we have not failed.

There were countless reasons why we could have accepted this. There was tremendous

pressure on us. I am sure most of us here on this side of the table, and undoubtedly on the other side of the table, had a couple of sleepless nights to some extent, wondering whether or not we should go with this, probably for different reasons. But on this side, and me personally, the question I was debating was: If we agree to an amendment, what does it do to the rights we now have and how does it enhance our situation?

What happens to our treaties? What happens to our bilateral relationship? What happens to what our forefathers have always told us they did, that they did not surrender. They did not surrender their sovereignty.

Again, Prime Minister, thank you for making this so very easy for us, because unlike one of the Premiers who said there was not enough clarity, on this side the clarity was so much there, the clarity was that we had nothing until we were given powers and the Constitution made it so clear that was the case, we could not accept it. So, for us it was not the fact that there was no clarity. There was tremendous -- tremendous precision in the document. I, for the life of me, do not know why anybody who has been defending a contingent right could not go with it.

The only reason I could think of is that you would be compelled to negotiate, which B.C. has continued to say they have no desire in doing.

I would like to thank you, Prime

Minister, for making a supreme effort, but I think that had I been you I would have taken the advice that the aboriginal people gave you in our private meeting and the advice we gave Ray Hnatyshyn in one of our last private meetings. I suggested to you, Prime Minister, and to Minister of Justice, that perhaps the way to go, since it did not look like we had seven provinces onboard, perhaps the way to go was to sit down with the aboriginal people, work out a draft that was acceptable to us, then let us start convincing the provinces that are onboard, that are solidly onboard, that want to do the right thing, and whether or not this Conference would have arrived at seven provinces agreeing to the amendment, I told you and I told you, Minister of Justice, it would not matter, because if the federal government was putting the constitutional document forth, we would have had three years to convince provinces to come onboard with that particular amendment, which was acceptable to us in the start.

But instead, we tried to find the honourable compromise, a compromise that when you laid it on the table you took away all of the wind of the aboriginal people to motivate the provinces that were not prepared to move.

I do not believe that was your intention. I do not believe for a moment that was your intention. I think you were trying to have a successful conference. A conference from which we

could all walk out and feel good about.

I think, having talked to a lot of these people, having talked to a lot of their ministers, it was clear that this was going to be where we were going to be at if we approached it that way, that we would not even have a document that aboriginal people could say, "Well dammit, people turned it down because..." I mean it is acceptable to us. We cannot even say that about the document.

We have provinces around here that want to do the right thing. They are looking everywhere and saying "What do we do? We want to do the right thing, so we are prepared to go with this, but the aboriginal people do not even want it, so what do we do?" How do we progress from here?

I know you are going to give this a lot of serious thought, Mr. Prime Minister, and I am sure you are going to receive a lot of suggestions from a lot of people.

The Assembly and the other aboriginal people will, undoubtedly, have at least one more aboriginal summit. Perhaps it has become a convention between us. We may do that as often as the Premiers meet.

We, undoubtedly, will give you our suggestions as to where we should go from here.

I would like to let you know now that, if you do decide to do what was recommended by the Premier of Manitoba, to adjourn the meeting and recall it in two, three or four months, the AFN will be a willing participant.

Thank you.

THE CHAIRPERSON: Thank you, George, for your very eloquent and, indeed, poignant statement or re-affirmation of a view that has been held for centuries. I thank you for that. I, too, of course, would that things were different. With your permission, we will continue the process.

I turn to Mr. Sinclair.

MR. JIM SINCLAIR (MNC): Thank you, Mr. Prime Minister.

First of all, I think we feel that the conference has been a failure. With the work

we have put into it, it is very disheartening to come to a conclusion that we cannot make a deal.

We do not really know if the goodwill was ever here to make a deal to begin with.

We came to set a foundation for the liberation and justice for our people. That is the purpose of coming to this conference. We are not disappointed because we have lost. We are not disappointed in the stand that we took -- the right to land, the right to self-government, and the right to self-determination. Those causes are right in any society.

I am disappointed that some of the Premiers who made a stand, and I have to say they made a stand against us, for reasons that I consider were invalid.

Premier Vander Zalm, you pointed out to us that you came from Holland in 1949. You said that you met Indian and native troops from Canada who went into your country and died for your country and for your people. We have them buried all over Europe and Asia. They went out to die for this country even though they were not even recognized when they stepped off the train to come home to this country.

It is a shame that, when you can come here and in a few years become the Premiers of one of the largest provinces in Canada, you will not recognize

the rights of our people here in this country of their origin.

Quebec, I am very disappointed with you. We had hopes that you would come to our aid when we needed you as we all fought for your rights in western Canada. Indians fought and died for your rights in western Canada. They were hanged along with the Métis for their position and their fight for land because the French in English Canada were having a power struggle of their own. I am disappointed that you would not come here and give the kind of support we needed. You came here and advanced your own cause.

We are not going to go away with any hard feelings. We wish you the best of luck that you will acquire your rights and your place in the Constitution of Canada, and I am sure you will, because this government and the provinces around here will accommodate you because they cannot leave out their own.

Mr. Devine, I have a few words to say to you. I have to talk about some of the things you mentioned yesterday.

You talked about Saskatchewan and about the \$1 million a day that you spend on aboriginal people in Saskatchewan. That is \$365 million a year. You are saying that the farmers in Saskatchewan are going to earn half that amount next year. At the

same time, you came to the Prime Minister here, and he bought an election for you for \$1 billion.

You have spent money on jails where the unemployment was so heavy and so bad that people fought for the jobs to build that million-dollar jail and the day after the job was completed they were in it. That is your kind of justice.

You made a deal with Warehouser, the pulp company in Saskatchewan, not too long ago. You ask us for definitions when we talk about self-government. You gave them an open-ended agreement which gave them more land than all the reserves put together in Canada. You did not ask them for a definition. You gave them one year where an 800-page document came out with not one definition but 300 definitions. That is what you got from a big company that you gave a blank cheque to.

I am disappointed as well that you would say to us that the people of Saskatchewan are against you making a deal. I have here Town Councils, including the City of Regina and the City of Moose Jaw, your largest cities in the province, supporting our right to self-government and our right to land, and people from the north and the churches and the unions. I think it is unfair that you accuse all of Saskatchewan of racism when you are advancing it at this table. There are people out there who genuinely want to make

a deal and want to see our people take their place in society. It is unfair to the people and to our people.

We talk about the kind of subsidies that go on, which aboriginal people have been wanting in order to acquire some form of economic development. We pay twice as much in northern Saskatchewan for food as you would in the south. Yet, for every bottle of wine and every bottle of whiskey that you send north as PA, you put a subsidy on that so that the price of that wine is the same price in Meloche as it is in Regina. At the same time, there is no subsidy on the price of milk for our children and on the price of food for our people who are having a hard time in those communities with no jobs.

I think, by leaving here today without an agreement, we have signed a blank cheque for those who want to oppress us and hold the racism against us as they have in the past.

I told you this yesterday and I am telling you this today: Your attitude at this conference from Alberta, Saskatchewan and British Columbia, is not going to bring 5,000 members to the Ku Klux meeting next July in Calgary or Edmonton; it is going to bring 50,000 because there is an open market on racism and white supremacy in Canada.

I have worked hard over the years to

bring justice to my people, to sit down with governments and make deals. I have pounded on doors. I have had many guys say no. I have troubles meeting with the Prime Minister and with the Premiers. Yet, we have struggled hard to try to make a deal. We have kept our end of the bargain. We struggled with our aboriginal brothers as to what should go on the table.

One thing I want to say, as we leave this meeting: I am glad that we stuck together on a right that is truly right for our people, right for all of Canada, and right within international law throughout the world based on human rights alone. We have the right to self-government, to self-determination and land.

The people who are here are going to continue the struggle. This is not an end. It is only the beginning. I think our leadership has made a stand now. We break new roads for those who come in the future.

Do not worry, Mr. Prime Minister and Premiers of the provinces; I may be gone, but our people will be back.

Thank you.

THE CHAIRPERSON: Thank you, Jim.

I turn now to Smokey Bruyère.

MR. BRUYERE: (Native Council of Canada)

Thank you, Mr. Prime Minister.

I don't know if I can do what the two previous speakers did in terms of rousing the crowd.

I think, in terms of what has taken place here in these last few months, there was a lot of goodwill -- seemed to be a lot of goodwill, anyway.

I think Nova Scotia, Manitoba, New Brunswick and others should be congratulated for what they have advanced, especially P.E.I. I think they were the only ones that took up the whole question of the equity of access of aboriginal peoples.

I think it was Premier Peterson who said, when we started off, that there seemed to be an awful lot of goodwill in terms of our private meetings. But then I think it started to back off when we came public. And again, this afternoon, it very quickly backed off when there seemed to be some support gathering for the aboriginal peoples' position. I think that is very unfortunate, that people would back off in terms of what we were advancing in the first place.

I think the federal draft that was put on the table this morning did break an awful lot of new ground. It implied that there was going to be something for aboriginal people.

There were some good words in that draft in terms of the kinds of things we like to look at -- for aboriginal peoples -- in terms of self-government, jurisdiction, and powers of the aboriginal people.

But in terms of some of the other sections of that draft, when you look at section 35.01, .02, and 35.06, it gave you a right on one hand and it took it away on the other.

I think, as some ministers have said, when people look at this in the future, they will be able to say that we were wrong. The people of the future, when they look at what we have turned down here today, will say we were right rather than wrong. I don't know how you deal with it in terms of your politics, but you don't give somebody something and take it away on the other hand. And that is exactly what you are trying to do with the aboriginal people.

Your draft, Mr. Prime Minister, that was put forward this morning -- the aboriginal people together put a draft and you immediately ended the conference to go upstairs.

All we have had at this table in these last two days is opening statements and your draft, sir. There was no round-the-table discussion in terms of the Canadian public so that they could see just where the opposition was coming from, even our own opposition, and why that opposition from the aboriginal groups was there. In that sense, how can you really expect Canadian people to understand why we rejected it?

Mr. Prime Minister, you sat upstairs and you gave a real good description of what your paper said. As I told our association, if you came out here and gave

that same speech, I would have a hard time saying no to it because the Canadian public has not seen your document and seen the concerns that we have with it. The way you worded your document upstairs, I mean, God, it would be hard to turn down if that is exactly what it said. But from our perspective and from an aboriginal perspective, it gave in one hand and took away in the other. And I don't think that is what we are all here to do.

Unfortunately, I think some provinces were here not to come across with anything at all, not to put a right in the Constitution.

You, Mr. Prime Minister, I think, could have showed more leadership in terms of saying, as I think Georges Erasmus said, putting something on the table that the aboriginal groups agree to, and then having the provinces in public saying why they don't agree to it. I think then the Canadian public could have seen just who the aboriginal people have as allies in terms of the provinces, as well as the federal government, with respect to what we have tried to entrench in the Constitution.

I don't think that this conference was a complete failure. I think there was a lot of progress made. Some of the provinces have said there are still possibilities for something to happen.

As I posed the question the other day: what do you do if nothing comes out of this conference?

Well, Mr. Prime Minister, we have been here for tens of thousands of years and we are going to

continue to be here for tens of thousands of years. If you don't deal with us now you will have to deal with us at some other time in the future. We accept that. We know that. I just hope the people in this room accept that because I think that is what the Canadian people are going to demand; that the provinces and the federal government of this country sit down and deal with the aboriginal peoples in a way that they see the aboriginal peoples wanting to be dealt with.

I think there were some good studies done in terms of what the country feels about aboriginal rights. Maybe it wasn't altogether, in your words, sir, people understanding what we want. But if I had your figures of the studies that were done, I would want to see something done. I think that is significant, in terms of the polls of this country.

If we had something real coming from the federal government and the provinces, in terms of where we want to go, I think we could have made a lot more progress than we did.

Manitoba and others have put forward an idea suggesting that if you adjourn this conference then-- adjourn it to a later date. If that was to be done, the Native Council of Canada, as well as the other aboriginal groups, would be here.

I was concerned about what some of the provinces have said they have done for aboriginal people.

If they are doing so much damn good for the aboriginal people at home, why then are they not willing to do it for aboriginal people across the country? If you are going to do it at home, let's make it uniform across the country. I think that is all aboriginal people are asking for.

Mr. Prime Minister, we will be here -- as Georges and others have said -- we will probably have our own aboriginal summits, as we call them, and we will let you know what we think should take place. We are going to continue to be around here. We are not going away. The aboriginal people of this country are always going to be here as strong and if not, stronger, than they are now.

Thank you.

THE CHAIRPERSON: Thank you, Smokey.

May I turn to Zebedee Nungak, please?

MR. Z. NUNGAK (ICNI): Prime Minister, it has been a long five years. Everybody around the table, the participants, has referred to the progress in various stages of their speeches, of the distance that has been covered and the mileage that has been attained.

I, myself, in my involvement in this process, have gone through four Prime Ministers, half a dozen Premiers, and 20 or so other assorted ministers. Incidentally, I am working on my ninth Minister of Indian Affairs.

We would prefer to resolve the unfinished business that we are attempting to deal with here with the present set of players, many of whom have gained a lot of experience and have travelled a long way themselves in their own attitude towards aboriginal people in this country. To them, and learned ministers like my good friend, Edmond Morris, I can only extend my congratulations and express the hope that some of you are in power long enough to see the resolution of this issue.

I also have to point out that, if I am not wrong, the non-aboriginal governments of this country had the luxury of over 50 years to speak and to meet about their aspirations and their hopes on the way you want to build this country. Compared with the luxury of time you people had, we have been given a short five years to address centuries of injustice.

I think in light of that, it is only fair that some continuation of this process be instituted or established after this conference, because I think the time frame designed for the aboriginal constitutional affairs has been very artificially set. I do not know who inspired or under whose idea this schedule was set but I think necessity calls for some sort of continuation.

I have often felt myself to be running a marathon on a treadmill, with all the changes of ministers and changes of governments that we had to deal with on this journey. We have to break in the new ones and try to maintain the friends we have made, and it is an exhausting exercise, not easy on any participants, we all recognize that; but I think we all recognize the immensity and the gravity of the task we are entrusted with by each of the people we represent.

I know the people who have acknowledged the distance covered -- that this is not a failure, that new ground has been broken. I can acknowledge that too, but we do not do it until we do it and it is not done until

it is done and until we reach that destination, I do not think any of us can afford to lay back and take it easy. The aboriginal people cannot, and I think the country cannot until this business is resolved.

In my speech the other day, I attempted to demonstrate to you and to the people of Canada that actual models do exist in Canada. If that was not enough, I would like to point out that there are aboriginal peoples in the north, in the Arctic, in our jurisdiction, that are running their own affairs; specifically, I point to you Alatan Nunat, Greenland, and North Slope Barrow in northern Alaska. In fact, a bunch of Eskimos in those stretches of tundra are running things and the sky has not fallen. You should go and inspect it and inspect how they do it there.

I take note this has been described by many of the participants as a journey. I characterize the months leading to this particular meeting as a dash to the pole. I know that Robert Perry did not attain the pole the first time he tried. He had to learn a few things from the Eskimos there before he had any credible chance at it. But he made it, or supposedly made it in the company of four Eskimos on his final journey.

If this is a dash to the pole, I think you need us just as much as we need you. If you are Robert Perry, you need your Eskimos and you cannot get there without us, and we cannot go there alone without you either because it is for your benefit as much as it

is for ours that we are doing this and are engaged in this exercise.

I would like to point out a point I have made previously to some ministers at a ministerial meeting, that continual lack of success -- since most people characterize this as "not a failure", but it is not a success either; so, I do not know how to describe it other than it is a resounding non-success. But there is going to be consequences to a continual non-success of these gatherings, and there is grave consequences possible if we continue to meet and not come up with any resolution of these issues.

In attempting to be helpful today, we tabled -- when it was apparent that your supreme effort, Prime Minister, was not being accepted by the right number of parties we, up in our room, tabled a document which we have been working on for five years, refining as time goes by, changing as we sensed concerns of other participants.

We tabled it at a quarter to one, knowing that March 27th does not end till midnight and thinking that perhaps it could be the talk of the time or the talk of this meeting and somehow we salvage this as sheep.

I was encouraged by the initial responses made by the governments. Of course, they have their right to reserve their final judgment on it, but I think there is hope in that document if only the governments would give it the consideration I think it is due.

There is nothing in that document that is mysterious or strange or off the ballpark or anything like that. In fact, there are many things in there common to the interests of the governments, common to the interests of the aboriginal community or the aboriginal groups as a whole, and if a future meeting is going to be held, I think this document -- and I said I forego the copyrights to it if it were only given the consideration by other parties. I think there is hope there, and I point that out because I was initially encouraged by the preliminary responses we got from the governments when we canvassed the participants on its merits.

So, we came here thinking we had a two-day conference but we had a day-and-a-half-conference. That is unfortunate. If we had furthered this course on our document this afternoon and then make a judgment that this is a failure, I would have been happier. But of course, I am the last speaker and everybody has done their winding-down speeches. So, I can only try to point it as a hope for the future when we meet again. I am not saying "if we meet again" because I know we are going to meet again; we have no choice except to meet again.

(Native language/—————)

I would also like to point out that my people, some of whom were exiled in the fifties to the High Arctic Islands in the cause of Canadian sovereignty, have always had an appreciation and pride in Canada as a

country. These sentiments were well expressed by my colleagues the other day in our opening speeches.

As with other aboriginal groups in other locations in the country, you people would have never made Day one in my stretch of the tundra if it had not been for my people's expertise acquired over many thousands of years of occupancy.

We continue to have a hope that this great country, which we embrace as our own, will have the sense and the decency -- not that I doubt its decency -- to someday, in my generation, recognize our rights, and complete the circle of Confederation, because if it is not going to be done in my generation, I have my son standing behind me who will take up the fight with your sons and your sons' sons.

Thank you.

THE CHAIRPERSON: Thank you, Zebedee. John has asked for a minute. Will you please go ahead, John.

MR. J. AMAGOALIK (INUIT COMMITTEE ON NATIONAL ISSUES): Thank you, Mr. Prime Minister.

This conference has failed not because there were not sincere efforts on the part of many people. Many people around this table made a very sincere effort in trying to come to terms with this problem.

This conference failed because very few people had little vision. They have little or no vision of what this country is. That is why this conference failed.

But, dammit, we cannot allow this nation to drop this from its national agenda. We cannot and we will not.

We have been told by some of the Premiers that we do not necessarily know what is good for us.

They tell us, "We know what is good for you". The Government of South Africa is always telling its people: "We know what is good for you".

I say to the aboriginal peoples of the Northwest Territories, from which I come, because this conference has failed we must work even harder to create Nunavut and Denendeh. We cannot allow anyone to steal that from us.

Even though this conference has failed, the doors are not closed. The document which Zebedee referred to -- the last document tabled at this conference from the Inuit Committee on National Issues -- makes sure that the door is still open. This document keeps the door open. I hope that many of you will go back to your homes and you will study this, and that when we come back we will finally deal with this issue with the seriousness that it deserves.

I will now reserve whatever I have to say for the next time we meet at this table. Thank you.

THE CHAIRMAN: Thank you, John.
Premier Hatfield, please.

HON. R. HATFIELD (NEW BRUNSWICK): Prime Minister, when I first started out in public life someone assured me that when you are in a position like this you can count on one thing, and that is the sympathy of the people. I am sure that an awful lot of people are saying that I would not have to want to follow in all that has been said.

First of all, I want to say that I do believe a very supreme effort was made to try to reach an agreement that would result in an amendment, and would result in something that I think, in all of the detail that we discussed -- a lot of it very important detail -- we did not keep in focus the fact that we really are dealing with a question of inequality in our country. There are many ways that we can address this, and there are many ways in our respective jurisdictions that we try to address it. But the inequality that does exist, that we are trying to deal with here, is one that has to begin within the Constitution of Canada. I think we came a long way to getting that inequality removed from the Constitution of Canada.

I think, Prime Minister, there are some observations that should be made. One is that I have listened to a lot of what has been said, over and over again, because I like going to these conferences, because there is -- like we saw here this afternoon -- passion and emotion. There is anger. There is goodwill and there is reason and so on. That is what I love, that life. But the fact of the matter is that an awful lot of stronger positions were taken by more people at this conference on this issue of aboriginal rights than has ever been taken before. That should be noted.

Those who look at these things superficially, let them look at the record. There is a record. Let

them look at what was said by provinces and by aboriginal people. There has definitely been an improvement.

Now, because of our Constitution, it has not been sufficient. That is as much as you can say.

I also want to say, having been involved in this whole exercise, in this kind of thing, and saying I like it, I have learned an awful lot from it. One of the things I have learned is that, in spite of the fact -- and it is well known that some of the views I hold, I hold very, very strongly -- but one of the things I have learned and have to remind myself of is, if I expect people to respect the expressions that I make, I have got to respect the expressions that people who disagree with me make. That is very important to understand. They may be wrong. They may be misinformed. They may have wrong intentions. I do not know, but you had better understand them if you really want to find a solution, and you had better respect them in the sense of trying to understand them and trying to find a way to deal with them.

I do feel that some things were said -- I am sure by me -- that should not have been said, or would have been better left unsaid. But the fact of the matter is that we do feel free in this country to say what we have to say. I have discovered, over the years, as we all have, that out of it does come something better and something more. Something more and something better is going to come out of this. It is not a question of

it has got to, it is going to.

What a powerful statement was made when the national chief began his remarks and so many people stood up. What a very, very powerful statement that was. I think it will be one that I will always remember. It says something: That the people who came here asking for equality, and asking for a respect of their inherent and historic rights, and asking for a means of implementing them, those people are standing up. That is not failure. That is not going backward. That is going forward. That is why I am confident that the public position you have taken, Prime Minister -- there is absolutely no doubt in my mind -- that when there is some consensus -- and it will be easy to determine when there is some consensus and we are ready to meet again, we will meet again. There is no question about that in my mind. I do not think we have to put that in writing or in the Constitution. A person's word is still of some value. A handshake is still of some value. You do not have to write everything into a contract or into a Constitution.

I do think that the other thing that I think I have to say is real important that happened here, that has not happened before, and that is from the beginning several peoples who spoke on behalf of the aboriginal peoples did in fact stay united. That is very, very important.

If Canada is going to win, that has to be maintained and that is very important. It did not happen before. To me it is another piece of evidence of the real progress that has been made.

I do think the other thing we must learn from this session today is that we cannot afford to let this happen again. This cannot happen again. We cannot fail again. I am telling you that I came to this Conference and I know, I know a lot of people came to this Conference saying, "Well, it will not be the end of the world if it fails."

I wanted an agreement more than -- and I said we were going to get one publicly, and I wanted one, but on the other hand, we have got to try harder and we have got to be more determined than ever, all of us, and we are going to learn from this failure, if you call it that, the failure to get an agreement on this day in March in this year 1987, that is what it is. We are going to learn

from the failure of this day that we are going to have to succeed the next time we try and we will in fact succeed.

In closing, Prime Minister, I want to pay tribute to a people who have worked very, very hard and I know because I have seen them. They are the people who work behind the ministers for so many years and behind the aboriginal leaders for so many years, and who have, as I said earlier, who really need to be or should be congratulated for having put up with this long, involved and some extremely repetitive process, listening to the same things over and over again and trying to come to terms and not succeeding over and over again.

They were persistent and we have come to this point and I do believe that we have learned that we can fail once, but we cannot fail again. If we do stay united and if we do stay united with the commitments that have been made by everybody, the commitments to get an agreement, we will get it, because we have got the strength and we have got the imagination and we have got the ability to do it. I am sure we will do it. I look forward to that day, because I will feel a lot better about being a Canadian that day than I do today.

I feel pretty proud of being a Canadian today. I am pretty proud of the way we have dealt with a very, very difficult issue. I

feel very proud of the response of so many people and the reason and the logic of it, but I will be even prouder when we are a country where we are more equal, all of us, than we are today.

Thank you, Prime Minister.

THE CHAIRPERSON: Thank you, Premier Hatfield. Thanks to everyone around the table who participated in the process.

I am not going to engage in any rebuttal of any kind. I just want to make two points I think are important.

First, the suggestion was made by some native leaders that the proposal, the draft resolution put forward, gave with one hand and took away with the other. That is a value judgment people will have to look at very carefully.

I suggest to you that governments, from political parties as varied as the governments headed by Premier Peterson, Premier Buchanan, Premier Pawley, Premier Ghiz, Premier Hatfield and mine, supported that resolution, not because it was perfect, but because it met the requirements of one criterion, namely, that that resolution advanced the cause in a demonstrable way of the aboriginal peoples of Canada.

Minister Scott, for whose skills I have considerable recognition, indicated that the test of history in regard to this, not by way of argument,

is that he was absolutely satisfied that indeed that document in every way represented a substantial advance, that is why he supported it. That is why Premier Hatfield supported it. That is why Premier Ghiz, Premier Pawley and Premier Buchanan and I supported it and we would not have brought it forward and it would not have been endorsed had we not been absolutely persuaded that that was the case. I suppose that is for cooler heads and other days to decide.

I share the view of Minister Scott, that when an objective analysis is made of that document, that indeed people will say "Hey, let's look again. Perhaps there was progress there."

I want to make a comment about my friend Georges Erasmus in regard to his suggestion and he may be right, where Georges said that I had failed to follow his advice and that perhaps things might have turned out differently had I followed his advice.

It would not be the first time, George, I would be further ahead if I had followed some advice. But the suggestion was, as you said today, to sit down with the aboriginal peoples and to work out a compromise. Then you said "It doesn't matter if the provinces are on side." But it does matter if the provinces are on side.

I did not devise the formula. I did not dream it up, but it is the constitutional formula of Canada that requires not only my honouring

it in its letter, but in its spirit as well. I am not going to set aside the provinces. I am not going to go behind their backs in trying to make a deal. They are very much legitimate parts of this process. They carry not only the hopes, but the responsibilities. They take their share of the blame as well.

It was very much with that in mind that, Georges, I was unable to follow through on the point you made. I am bound by the process.

Can I just tell you this. I had no intention, inasmuch as that process is in place in regard to the provinces, of cooking a deal, which has happened in the past, with one or a group of the provinces not being involved. If they were going to turn it down, I wanted them to be fully acquainted with it from the beginning, as they were. Those who said "Yeah" can explain it and those who said "Nay" can explain it as well. They will have to be judged as will I, as will all of us.

I take Georges and Smokey and Jim and Zebedee and John, I take to all the aboriginal leadership, I take your statements as statements of anger and frustration and dismay. I think all of us share many of your frustrations and your sentiments.

There has been a lot of disappointment and sadness in Canada over many decades, too many decades to count over this issue. We tried mightily to correct it. We were unsuccessful this time,

but we will try again. Just as surely as summer follows spring, there will come a day when First Ministers and aboriginal leaders and the Prime Minister of Canada will sit around a table, perhaps not unlike this one and say we have finally found a solution which brings finally justice and equity to the aboriginal peoples of Canada. That is very much what we all seek.

Thank you and God bless you all.

THE CHAIRPERSON: The Conference is now closed.

---ADJOURNMENT/ AJOURNEMENT

FIRST MINISTERS' CONFERENCE
ON
ABORIGINAL CONSTITUTIONAL MATTERS

Ottawa, Ontario

March 26-27, 1987

PROPOSED AGENDA

1. A Constitutional Amendment on Aboriginal Self-Government
2. Treaties and Treaty Issues

CONFÉRENCE DES PREMIERS MINISTRES
SUR LES QUESTIONS
CONSTITUTIONNELLES INTÉRESSANT LES AUTOCHTONES

Ottawa (Ontario)

les 26 et 27 mars 1987

ORDRE DU JOUR PRÉLIMINAIRE

1. Une modification constitutionnelle concernant l'autonomie gouvernementale des autochtones
2. Les traités et les questions s'y rattachant

FIRST MINISTERS' CONFERENCE
ON
ABORIGINAL CONSTITUTIONAL MATTERS

CONFÉRENCE DES PREMIERS MINISTRES
SUR LES QUESTIONS
CONSTITUTIONNELLES INTÉRESSANT LES AUTOCHTONES

OTTAWA

March 26 - 27, 1987

Les 26 et 27 mars 1987

List of First Ministers, Ministers and Heads of Delegations
Liste des Premiers ministres, ministres et chefs de délégations

CANADA

The Right Honourable Martin Brian Mulroney
Prime Minister / Premier ministre

CHAIRPERSON /
PRÉSIDENT

The Honourable Ramon John Hnatyshyn
Minister of Justice and Attorney
General of Canada

The Honourable William Hunter McKnight
Minister of Indian Affairs and Northern
Development

The Honourable Lowell Murray
Leader of the Government in the Senate
and Minister of State for Federal-Provincial Relations

The Honourable Flora MacDonald
Minister of Communications

The Honourable John Wise
Minister of Agriculture

The Honourable Arthur Jacob Epp
Minister of National Health and Welfare

L'honorable Robert R. de Cotret
Président du Conseil du Trésor

The Honourable Michael Holcombe Wilson
Minister of Finance

The Honourable Harvie Andre
Minister of Consumer and Corporate Affairs

The Honourable Thomas Edward Siddon
Minister of Fisheries and Oceans

The Honourable Charles Mayer
Minister of State (Canadian Wheat Board)

The Honourable Thomas Michael McMillan
Minister of Environment

L'honorable Benoît Bouchard
Ministre de l'Emploi et de l'Immigration

The Honourable Barbara Jean McDougall
Minister of State (Privatization), Minister
Responsible for Regulatory Affairs and Minister
Responsible for the Status of Women

The Honourable Stuart McInnes
Minister of Public Works

The Honourable Frank Oberle
Minister of State for Science and Technology

L'honorable Pierre H. Cadieux
Ministre du Travail

L'honorable Jean J. Charest
Ministre d'État (Jeunesse)

L'honorable Bernard Valcourt
Ministre d'État (Petites Entreprises et
Tourisme)

ONTARIO

The Honourable David Peterson
Premier of Ontario and Minister of
Intergovernmental Affairs

The Honourable Ian Scott
Attorney General and Minister Responsible
for Native Affairs

QUÉBEC

Monsieur Gil Rémillard
Ministre délégué aux Affaires
intergouvernementales canadiennes

Monsieur Raymond Savoie
Ministre délégué aux Mines et aux Affaires
autochtones

NOVA SCOTIA / NOUVELLE-ÉCOSSE

The Honourable John M. Buchanan
Premier of Nova Scotia

The Honourable Edmund L. Morris
Minister of Aboriginal Affairs and
Minister of Social Services

The Honourable Terence R. B. Donahoe
Attorney General and Provincial Secretary

NEW BRUNSWICK / NOUVEAU-BRUNSWICK

The Honourable Richard Hatfield
Premier of New Brunswick

The Honourable David Clarke
Minister of Justice

MANITOBA

The Honourable Howard Pawley
Premier of Manitoba

The Honourable Roland Penner
Attorney General

The Honourable Elijah Harper
Minister Responsible for Native Affairs

BRITISH COLUMBIA / COLOMBIE-BRITANNIQUE

The Honourable William N. Vander Zalm
Premier of British Columbia

The Honourable Stephen Rogers
Minister of Intergovernmental Relations

The Honourable Brian Smith
Attorney General

PRINCE EDWARD ISLAND / ILE-DU-PRINCE-ÉDOUARD

The Honourable Joseph Ghiz
Premier of Prince Edward Island

The Honourable Wayne D. Cheverie
Minister of Justice and Attorney General

SASKATCHEWAN

The Honourable Grant Devine
Premier of Saskatchewan

The Honourable Bob Andrew
Attorney General and Minister of Justice

The Honourable Grant Schmidt
Minister of Human Resources, Labour and
Employment

ALBERTA

The Honourable Don R. Getty
Premier of Alberta

The Honourable James D. Horsman
Attorney General and Minister of
Federal and Intergovernmental Affairs

The Honourable Ken Rostad
Solicitor General and Minister Responsible
for Housing and Native Programs

NEWFOUNDLAND / TERRE-NEUVE

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Premier of Newfoundland

The Honourable Robert Aylward
Minister of Rural, Agricultural and
Northern Development

YUKON

The Honourable Tony Penikett
Government Leader

The Honourable Dave Porter
Minister of Tourism and Renewable Resources

The Honourable Piers McDonald
Minister of Community Transportation Services

NORTHWEST TERRITORIES / TERRITOIRES DU NORD-OUEST

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The Honourable Michael Ballantyne
Minister of Justice

The Honourable Dennis Patterson
Minister of Aboriginal Rights and
Constitutional Development

The Honourable Bruce McLaughlin
Minister of Health and Social Services

The Honourable Tagak Curley
Member of the Legislative Assembly

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L'ASSEMBLÉE DES PREMIÈRES NATIONS

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Chief Joe Mathias
Spokesman

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INUIT COMMITTEE ON NATIONAL ISSUES /
LE COMITÉ INUIT SUR LES AFFAIRES NATIONALES

John Amagoalik
Co-Chairman
Inuit Committee on National Issues

Zebedee Nungak
Co-Chairman
Inuit Committee on National Issues

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RALLIEMENT NATIONAL DES MÉTIS

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President
Association of Metis and Non-Status
Indians of Saskatchewan

Sam Sinclair
President
Metis Association of Alberta

Yvon Dumont
President
Manitoba Metis Federation

Patrick McGuire Sr.
President
Northwestern Ontario Metis Federation

Fred House
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Louis Riel Metis Association of B.C.

NATIVE COUNCIL OF CANADA /
LE CONSEIL NATIONAL DES AUTOCHTONES DU CANADA

Louis (Smokey) Bruyère
President
Native Council of Canada

CANADIAN INTERGOVERNMENTAL CONFERENCE SECRETARIAT /
SECRÉTARIAT DES CONFÉRENCES INTERGOUVERNEMENTALES CANADIENNES

Stuart MacKinnon
Secretary / Secrétaire

